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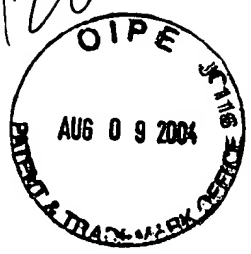

Expedited Procedure

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APPN: 09/134,831 (Reissue)
Filed: August 17,1998
Appellant: Richard P. Mettke

Title: On-line Communications Terminal/Apparatus
Group Art Unit: 2743

Examiner: Stella Woo

AMMENDED APPEAL BRIEF TO THE COMMISSIONER OF PATENTS BASED ON NOTIFICATION OF NON-COMPLAINCE WITH THE REQUIREMENTS OF 37CFR 1.192 (c) DATED July 13, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on 9 AUG, 2004 with the US Postal Service with return Receipt requested. The envelope was addressed to:
Commissioner of Patents and Trademarks,
Mail Stop Appeal
P.O. Box 1450 Alexandria, VA 22313-1450

Commissioner of Patents and Trademarks,
Mail Stop Appeal,
P.O. Box 1450 Alexandria, VA 22313-1450

Dear Commissioner of Patents and Trademarks,

In response to the notification of Non-Compliance with Requirements of 37 CFR, dated July 13,2004, the applicant submits the following Amended Appeal Brief to the Commissioner of Patents. The Amended Appeal Brief is in accordance with Code of Federal Regulation 37, section 1.192 (c). No fees are due since the applicant submitted the required fee with the original brief. The Applicant would like to point out to the Examiner that an exception to the requirement that all the items specified in 37 CFR 1.192(c) be included in the brief is made if the application or reexamination proceeding is

being prosecuted by the appellant pro se, i.e., there is no attorney or agent of record, and the brief was neither prepared nor signed by a registered attorney or agent. The brief of a pro se appellant which does not contain all of the items, (1) to (9), specified in 37 CFR 1.192(c) will be accepted as long as it substantially complies with the requirements of items **(1), (2), and (8)**. There is no longer an attorney of record or agent and this brief was neither prepared by a registered attorney or agent. The applicant respectfully submits that this amendment substantially complies with the requirements of items **(1), (2) and (8)** 37 CFR 1.192(c).

APPEAL BRIEF

1. **Real party in interest**. I, Richard P. Mettke, appellant, am the real party in interest.
2. **Related appeals and interferences.** There are no appeals or interferences known to the appellant which would directly affect or have a bearing on the Board's decision in the pending appeal.
3. **Status of claims**.

   Claims 6-9 are pending

   Claim 1-5 were cancelled

   Claims 6-9 are being appealed.

4. **Status of amendments**. Amendment filed April 17, 2000 in response to the non-final Office action mailed August 25,1 999 and the amendment filed December 11, 2001 in response to the non-final Office action mailed June 11, 2001 have been entered. After-final amendments filed April 24, 2002, May 29, 2002 and September 16, 2002 in response to the final rejection were not entered.

5. **Summary of invention.** This summary of the invention references both the original disclosure **(January 23,1995)** and the issued Patent **(February 11,1997)** A "pay-as-you-use" communication terminal capable of interfacing with the **Internet (page 2 of original disclosure/ page 1 column 2, 1st paragraph, patent 5,602,905)**. Users can receive a hard copy of any activity that they conduct from the terminal through the co-located printer **(page 4 of original disclosure, par (e)/ page 1 column 2, line 61, patent 5,602,905)**. Payment of services will be made by credit card, using a

"magnetic swipe" system included as part of the terminal system. Users will be charged for use of the system as well as normal telephone charges.

The present invention disclosed in the **original disclosure** and issued **patent (5,602,905)** comprises a system for accessing the Internet on a pay-as-you-use basis. The system includes a Central Processing Unit (CPU), internal modem, monitor, printer, credit card reading swipe device and housing **(page 5, figures 1&2 description, original disclosure/ page 3 column 2, lines 40-67, patent 5,602,905)**.

(a) Users can conveniently access the Internet at other locations other than from their fixed terminal at an office or home.

(b) Users can receive a hard copy document from a printer of any activity that they conduct at the terminal.

(c) Users will pay for the use of the terminal using a credit card swipe apparatus. The user will be charged for use of the terminal, telephone line use charges and additional charges to access the Internet.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 A typical functional embodiment is schematically illustrated by block diagram form in FIG. 1. **(Page 6, 1st paragraph of original disclosure/ page 3 column 2, lines 40-67, patent 5,602,905)**.

FIG. 2 A typical embodiment of the terminal is illustrated in diagram form in FIG. 2. **(Page 6, 1st paragraph of original disclosure/ page 3 column 2, lines 40-67, patent 5,602,905)**.

The drawings- The drawing in the original disclosure, patent 5,602,905 and the reissue application (as amended) do not present any new matter.

The appellant would like to note the original Patent was applied for on January 23, 1995 and granted on February 11, 1997.

6. **Issues.**

There are **Four issues** concerning the reissue by the Examiner of record. The issues are:

- **Whether new matter was introduced into the drawings and specification.**
- **Whether claim 7 is unpatenable under 35 USC first paragraph, as containing subject matter, which was not disclosed at the time the application was filed.**
- **Whether claims 6-9 are unpatenable under 35 USC, 103 (a) due to four pieces of prior art:**

  a. An article entitled " ***TouchFax Provides the Ultimate in Place-based Interactivity*" (Exhibit E**, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix B.

  b. Touchfax brochure entitled "***Vision, Power, Versatility***" **(Exhibit F,** referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

  c. An article that was posted on the WWW, " ***Suggestions for Information Kiosk Systems using the World Wide Web*"** by Rawn Shah (**Exhibit I** referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

  d. Prior Art made of record and not relied on- European Patent EP 0486160 A2 (Touchfax), Multi-purpose Public Facsimile transmission terminal. Provided at Appendix F

  The applicant would like to note that this was the **first occasion** that

his prior art was provided to the applicant (USPTO Notification of Non-Compliance with Requirements of 37 CFR, dated July 13,2004).

7. **Grouping of claims.**

The claims all stand together.

8. **Argument.**

Issue 1- Whether new matter was introduced into the drawings and specification.

As shown in the description of the invention above (**5. Summary of Invention**), referencing paragraphs in the original disclosure and the issued patent, **no new matter** has been entered in to the reissue submission that had not been disclosed in original disclosure. The textual and graphic illustrations from the original disclosure, patent and reissue application enter **no** new matter. The applicant has provided a "statement" from someone skilled in the art (Mr. Greg Adank, appendix E) in an office response where he states that the prior art issues presented by the examiner have no merit. He also goes on to say that there is enough material presented in both the original disclosure and the patent (and reissue application) to allow someone skilled in the art to carry out and manufacture the claims in question. Because the statement (and discussion) was provided to the examiner in a previous office action and it is enclosed at appendix E, the applicant will not provide a duplicate argument. In the *original disclosure* the applicant references 74 patents (page3, line 11-**Original** disclosure) as prior art and discloses US patent No 4,374,381, *Touch terminal which communicates and controls micro processor*. In patent 5,602,905 the applicant discloses US patent No 4,374,381, *Touch terminal which communicates and controls*

micro processor (page 3, Column1, line 43). The Examiner issued the patent. The reissue makes brings no new matter and clearly presents a case for best method for carrying out the elements of the invention.

In response to numerous office actions, the applicant amended language in the specification that the examiner considered new language, where appropriate. He had on many occasions asked the Examiner to "specify" which language she considered "new matter" after he made the recommended amendments. These requests where to no avail.

Issue 2-Whether claim 7 is unpatenable under 35 USC first paragraph, as containing subject matter, which was not disclosed at the time the application was filed.

Subject matter (Claim 7) rejected by the Examiner as not disclosed in the original disclosure.

Description of the subject Matter: Claim 7 reads: The terminal of claim 6, wherein the means for accessing includes a *touch screen* interface attached to the monitor and further includes a touch screen means for accepting input information from the touch screen interface and modifying program execution accordingly terminal which communicates and controls a microprocessor.

Errors in the rejection: The examiner takes issue with the words "Touch Screen". The elements of this claim are clearly disclosed on in the original disclosure referencing another patent. In the *original disclosure* the applicant references 74 patents (page3, line 11-**Original** disclosure) as prior art and discloses US patent No 4,374,381, *Touch terminal which communicates and controls micro processor*. In

patent 5,602,905 the applicant discloses US patent No 4,374,381, *Touch terminal which communicates and controls micro processor* (page 3, Column1, line 43. Claim seven is clearly disclosed in the original disclosure.

Specification, Drawings and Claims describe the subject matter:

Figure 2 shows one embodiment of the Applicant's claimed invention. Specifically, Figure 2 shows a housing 10 for the terminal, a monitor 11, a credit card swipe reader 12, keyboard 13, printer paper discharge chute 14, the location 15 of the printer, the location 16 of the CPU with internal modem, and the access door 17. Applicant has amended the specification to remove the references to "printer paper discharge chute" and the "access door" and has submitted a substitute drawing of Figure 2 removing these structures and their corresponding reference numerals. The other structures shown in Figure 2 are found in the disclosure as originally filed on January 23,1995, and/or one or more of the patents listed at Col. 1, lines 36-56.

A durable enclosure, or housing, for a computer and computer circuits is disclosed in U.S. Patent No. 4,092,527 at Col. 2, lines 66-68; Col. 3, line 3; Col. 3, lines 34-38 and in U.S. Patent No. 5,235,680 at Figures 3 and 4. A monitor for a computer terminal is disclosed at page 5 of the disclosure as originally filed, as well as in U.S. Patent No. 4,274,081 at Figure 1 and Col. 2, lines 27-28. A credit card swipe reader for a computer terminal is disclosed at page 5 of the disclosure as originally filed, as well as in U.S. Patent No. 5,334,823 entitled "Systems and Methods for Operating Data Card Terminals for Transaction Chargeback Protection." A keyboard for a computer terminal is disclosed at page 5 of the disclosure as originally filed, as well as in U.S. Patent No. 4,274,081 at Figure 1 and Col. 2, line 28. A printer for a computer terminal is disclosed at page 5 of the disclosure as originally filed. A CPU with internal modem for a computer terminal is disclosed at page 5 of the disclosure as originally filed. Moreover, all of

these structures are reasonably communicated to persons skilled in the art in the disclosure such to enable those skilled in the art to make and use the invention as of January 23, 1995. As discussed in the disclosure as filed, "[interconnection and operability of the components is not discussed in greater detail since the technology is well known in [the] prior art." Col. 3, lines 1-3.

Issue 3-Whether claims 6-9 are unpatenable under 35 USC, 103 (a) over four pieces of prior art:

A. An article entitled " ***TouchFax Provides the Ultimate in Place-based Interactivity***" (**Exhibit E**, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix B.

B. Touchfax brochure entitled "***Vision, Power, Versatility***" (**Exhibit F**, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

C. An article that was posted on the WWW, " ***Suggestions for Information Kiosk Systems using the World Wide Web***" by Rawn Shah **Exhibit I**, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

D. European Patent EP 0486160 A2 (Touchfax). The applicant would like to note that this was the **first occasion** that his prior art was provided to the applicant (July 13, 2004).

Issue 3. A.- An article entitled " ***TouchFax Provides the Ultimate in Place-based Interactivity***" (Exhibit E, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix B.

Errors in the rejection:

***TouchFax Provides the Ultimate in Place-based Interactivity"*-Exhibit E:** Exhibit E is not proper prior art. A proper reference is proven to be a "printed publication upon satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it." *In re Wyer,* 655 F.2d 221, 10 (CCPA 1981); MPEP § 2128. Accordingly, a level of public accessibility is required. MPEP § 2128.01. One example of accessibility is indexing and cataloging printed material. A date of publication, i.e., the date the printed matter was first accessible to the public, is also required. MPEP § 2128.02. While the date of publication may be shown through evidence of routine business practices *(Id.),* failure to provide sufficient evidence to prove the date of publication results in the disqualification of the printed matter as prior art.

Exhibit E appears to be an article in the October 1992 journal entitled "Interactive World." The only evidence of this is provided on the face of Exhibit E. Appellant has been unable to determine where to access "Interactive World," or what individuals had access to Exhibit E at any time prior to the filing date of this application, i.e., January 23, 1995. The PTO has the burden under § 103 to establish *a prima facie* case of obviousness. *In re Fritch, 972* F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988). The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fritch,* 972 F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988). If the examiner fails to establish *a prima facie* case, the rejection is improper and

will be overturned. *In re Rijckaert, 9* F.3d 1531 (Fed. Cir. 1993); *In re Lowry,* 32 F.3d 1579 (Fed. Cir. 1994) ("If examination at the initial stage does not produce *a prima facie* case of unpatentability, then without more, the appellant is entitled to grant of the patent.")

A PTO rejection for obviousness is improper when there is nothing in the cited prior art references, either singularly or in combination, to suggest the desirability of the claimed subject matter. *In re Deminski,* 796 F.2d 436 (Fed. Cir. 1986). That the construction in a particular prior art reference would have resulted in the claimed combination had it followed the "common practice" of attaching certain parts does not show obviousness at the time of the invention, but rather reflects improper hindsight analysis and the reading into the art of the "**appellant's**" own teachings. Moreover, combination of one or more references requires a finding on the part of the PTO of a teaching or suggestion, i.e., motivation, to combine the references. *In re Fritch,* 972 F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988); *In re Deminski,* 796 F.2d 436 (Fed. Cir. 1986). Failure to identify any motivation results in a failure to show *a prima facie* case of obviousness. *In re Rijckaert, 9* F.3d 1531 (Fed. Cir. 1993); *In re Lowry,* 32 F.3d 1579 (Fed. Cir. 1994); *In re Fritch,* 972 F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988).

The PTO has the burden under § 103 to establish *a prima facie* case of obviousness. *In re Fritch, 972* F.2d 1260 (Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988). The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fritch,* 972 F.2d 1260(Fed. Cir. 1992); *In re Fine,* 837 F.2d 1071 (Fed. Cir. 1988). If the examiner fails to establish *a prima facie* case, the rejection is improper and will be overturned. *In re Rijckaert, 9* F.3d 1531 (Fed. Cir. 1993); *In re Lowry,* 32

F.3d 1579 (Fed. Cir. 1994) ("If examination at the initial stage does not produce *a prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent.")

A representative of the appellant searched the catalogues of Rice University and the University of Houston, two of the largest library collections in the fourth largest city in the United States and was unable to locate any journal entitled "Interactive World." Results of the searches were provided to the examiner. Because no other evidence had been provided by any of the Protestors, or by the Examiner, that Exhibit E was indexed or cataloged such that it was accessible to the public, and Appellant had presented evidence that Exhibit E was not accessible to the public through Rice University or the University of Houston, Appellant submits that Exhibit E is not prior art that can be cited against the claims of this application. Assuming *arguendo* that Exhibit E is proper prior art, Exhibit E fails to disclose, teach or suggest linking the facsimile kiosk of Exhibit E with Internet. Exhibit E never discusses the Internet. Exhibit E is directed to a facsimile kiosk for sending and receiving facsimile transmissions. Exhibit E does suggest that the kiosk may be used to access "information databases," but only in the context of receiving facsimile transmissions from these databases. Exhibit E, page 2, column 2, paragraph 1, lines 3-7. Accordingly, Exhibit E lacks at least the limitation that the terminal includes "means for accessing the ***internet*** in claims 6-9. **(Emphasis added).**

"TouchFax provides the Ultimate in Place-based Interactivity" (Exhibit E) Further Analysis-

The examiner pointed out in an Office Action that Exhibit E discloses a public on-line, pay-as-you-use communications terminal (first page, fifth paragraph) comprising:

a central processing unit (386 processor, Exhibit E, second page, first column,

third paragraph, line 3)

a telephone access node (data port, Exhibit E, second page, first column,

third paragraph, line 3)

an internal modem (modem, Exhibit E, second page, first column,

third paragraph, line 11)

a video display monitor (touch sensitive monitor; Exhibit E, second page, first

column, first paragraph, lines 2-3 of the third paragraph)

a keyboard (full sized keyboard; Exhibit E, second page, first column,

third paragraph, line 4-5)

a credit card reader (Exhibit E, second page, first column,

Second paragraph, line 3); means for accessing *commercial on-line services* (**inserted by Examiner**) and allow for user interaction (via touchscreen and computer modem; Exhibit E, second page, second column, second paragraph).

A printer (high volume laser printer; Exhibit E, second page, first column,

third paragraph, line 4)

However; the article does not mention **anywhere** in the brochure that it is a **public on-line communications terminal capable of accessing the Internet as the examiner contends**. This was strictly an interpretation by the examiner. The following is the paragraph quote "verbatim" from the TouchFax Brochure:

"TouchFax hardware products include three models of public terminals used initially as pay-per-use fax machines. They can provide other service such as word processing and high quality copies in addition to its primary capability

of phone, fax and computer. Service products include personal fax boxes and information services which may be accessed by TouchFax public terminals and any private fax machines"

The paragraph cited above does not mention connectivity to the Internet. The article goes on to state the capabilities of each of the three terminals (page two, column one, paragraph 3). The following is the paragraph cited by the "examiner" for most of the rejections (verbatim).

"The TF750 is a free-standing kiosk with high resolution, 14 inch screen, touch screen monitor, 386 processor, high volume laser printer and data port. The TF 450 is a built in, wall-mounted unit that has an optional floor mount and offers data ports for modem and laptop connections on an optional basis. The TF 200 is a built-in , wall mounted unit that offers laser printer as an upgraded feature.

An analysis of the paragraph proves that these terminals do not access the Internet on a pay-as -you-use basis (or any basis). Furthermore, the only information services that the terminals offer is a database to GAG with a response delivered by FAX (Page two, column 2, paragraph 2, lines 4-10). The other services (special newsletter and information) listed in the article are only obtainable from a touch tone phone and from a home or office (Page two, column 2, paragraph 3 and 4).

The examiner cites the following in the office action as part of the rejection "a credit card reader (Exhibit E, second page, first column, second paragraph, line 3); means for accessing *commercial on-line services* and allow for user interaction (via touchscreen and computer modem; Exhibit E, second page, second column, second paragraph)."

The words **"means for accessing commercial on-line services"** has apparently been inserted by the "examiner". The Appellant protests the Examiners insertion, which modifies the capabilities of the terminals in the article.

Issue 3. B. -Touchfax brochure entitled "***Vision, Power, Versatility***" (Exhibit F, referenced in USPTO Office Action dated August 24, 1999). Provided at Appendix C.

Errors in the rejection.

Exhibit F is not proper prior art. No evidence has been provided by any of the Protestors or the Examiner as to where Exhibit F can be accessed by the public, or on what date Exhibit F became accessible to the public. Exhibit F may not have been disseminated to anyone outside of Protestor's organization at any time prior to January 23, 1995. Without sufficient evidence to prove (1) whether Exhibit F was ever accessible to the public; and (2) if it was accessible to the public, on what date was it accessible, Exhibit F can not be considered as prior art to the application. Assuming, *arguendo,* that Exhibit F is proper prior art, Exhibit F fails to disclose, teach or suggest software installed into the CPU to allow interface with the internet and credit card service centers. Exhibit F simply includes the word "software." Nothing else is discussed about the function(s) this software performs. Furthermore, nothing in Exhibit F discloses, teaches, suggests, or even hints, that the facsimile kiosk is interconnected with the internet. Accordingly, no person ordinarily skilled in the art would view Exhibit F as teaching to install software into the facsimile kiosk to interface with the internet as recited in claims 6-9.

Issue 3.C. - An article that was posted on the WWW, " ***Suggestions for Information Kiosk Systems using the World Wide Web***" by Rawn Shah,

Errors in the rejection:

Like Exhibit E & F (**issues 3A and 3 B above check**), the Shah Article is also not proper prior art. Neither the Examiner nor the Protestors had provided any evidence that the Shah Article was accessible to a member of the public exercising reasonable diligence. As far as the appellant and his representatives could ascertain, the Shah Article was only located on the World Wide Web. There is no evidence that the Shah Article is indexed or catalogued in any library or other location accessible to the public. A person skilled in the art would have to know the name of the author, Rawn Shah, to have any chance of locating the article using a search engine on the World Wide Web, because the other key terms, e.g., kiosk and Internet, are too generic and would likely result in over 1000 hits. Knowledge of the author of an article, when searching for certain topics, is rarely, if ever, available to the searcher. Therefore, in view of the above remarks, the Shah Article is not prior art properly available to be cited as a basis for rejection claims 6-9 of the application.

Assuming, *arguendo,* that the Shah Article is proper prior art, the Shah Article does not teach the use of any software for interfacing with credit card service centers. There is no discussion anywhere in the Shah Article regarding how a user of the kiosks in the Shah Article would pay for the use of the kiosks. The Examiner erroneously; relies upon the statements at page 2, section entitled "Who will use these systems?" and page 5, lines 11-12, for the proposition that the users will pay for access to the Internet through commercial organizations which charge customers for access to specific services. The Shah article never discusses how the user pays for those services. Contrary to the Examiner's citation of pages 3 and 5 of the Shah Article, the commercial organizations' role with the kiosks is as an owner of the kiosk who charges users for the time display an advertisement. The Shah Article doe not discuss the commercial organizations as

providing any specific services, let alone charging for Internet access. Furthermore, nothing is disclosed in the Shah article regarding how these commercial organizations will be paid, let alone, the payment by credit card, at the physical location of the kiosk, utilizing software for interfacing with credit card service centers.

The Shah Article does not disclose or suggest that a credit card swipe device should be employed to charge a user for use of the terminal. The Shah Article does not discuss the use of a credit card swipe device. It does not specify accessing and interfacing with the Internet. Therefore, even the combination of the three references together do not disclose or suggest the use of a credit card swipe device to charge for the use of a terminal which provides access to the internet. Nor is there any suggestion to combine Exhibits E and F with the Shah Article to produce the claimed terminal. Exhibits E and F were directed to accessing certain standalone databases, not the Internet. In fact, Exhibits E and F were specifically directed to charging the user for use of the *service,* not for use of the *terminal.* Neither of these references contemplated the broader and more ingenious idea of allowing access to the Internet, and then charging the user for access to the *terminal.*

None of the references discloses or suggests charging users for terminal access. None of the references discloses or suggests the use of a credit card swipe device to access the Internet. There is no suggestion to combine Exhibits E and F (issues 3A and 3 B) with the Shah Article.

The following is additional information addressing "the shah" article and the Examiners "combining of prior art references". The appellant would like to point out that the article **does not pass the prior art test.** The article is dated 30 April 1994, but there is no mention of when it was posted on the WWW or the distribution of the article. Two critical factors in determining prior art applicability.

Nevertheless, the appellant feels that the examiner had a strained interpretation of the paper. **Substantially** modifying the references is not suggested by the references themselves, nor has the examiner presented a prima facie case to explain why someone skilled in the art would have made such changes to the prior devices referenced. The appellant feels that the arguments provided above adequately address the rejections as they relate to exhibits E, F & I and that the appellant should granted allowance.

Issue 3.D. - D. European Patent EP 0486160 A2 (Touchfax), Multi-purpose Public Facsimile transmission terminal. The applicant would like to note that this was the **first occasion** that this prior art was provided to the applicant (USPTO Notification of Non-Compliance with Requirements of 37 CFR, dated July 13,2004).

Errors in the rejection:

European Patent EP 0486160 A2 (Touchfax) is prior art that can no be cited against the claims in the reissue. The following is an abstract of EP 0486160 A2: A multi-purpose public facsimile transmission terminal otherwise known as a public fax terminal, employs a stand alone kiosk with a touch activated computer display color monitor presentation, advising the user of the operational steps to take in the use of the machine. The user initiates operation by inserting a credit card in a card reader and following the instructions presented on the monitor. A scanner mounted in the kiosk reads a document to be faxed and stores the image in the memory of a computer. Faxed transmissions are received and sent over telephone lines by a fax modem in the computer. Copies of faxed documents are provided by a plain paper laser printer, which also has the capability of providing copies of any scanned documents or any documents in the computer memory. The computer memory presents video advertisements and has stored business and

message forms, which can be retrieved and used as desired. An interface connection open to the exterior of the terminal connects to a computer such as a laptop computer, provided by the user to download and fax information in the memory of the laptop computer. The terminal may also be used to retrieve documents from a remote data base system.

EP 0486160 A2 is the terminal discussed in Exhibit E (**Issue 3 A** above). EP 0486160 A2 fails to disclose, teach or suggest linking the facsimile kiosk with Internet. EP 0486160 A2 never discusses the Internet. EP 0486160 A2 is directed to a facsimile kiosk for sending and receiving facsimile transmissions. EP 0486160 A2 does suggest that the kiosk may be used to access " remote" information databases, but only in the context of receiving facsimile transmissions from these databases. Accordingly, EP 0486160 A2 lacks at least the limitation that the terminal includes "means for accessing the ***internet*** in claims 6-9. **(Emphasis added)**.

Summary:

Claims 6-9 are patentable over all of the references cited by the Examiner. None of the references cited by the Examiner discloses, teaches or suggests a pay-as-you-use terminal providing access to the Internet as claimed by Appellant. The Examiner has found it necessary to combine **three** (four with the addition of EP 0486160 A2, which is the Touchfax terminal described in Exhibit E) **different references** to formulate this rejection but has entirely failed to identify any motivation to combine the combination of Exhibits E and F with Exhibit I. For that reason alone, the Examiner has failed to establish a *prima facie* case of obviousness of claims 6-9. Moreover, Appellant maintains his argument that none of Exhibits E, F, I or EP 0486160 A2 are proper prior art.

The appellant has provided at appendix E a statement (that was provided to the examiner) from the acting Director of Information Management, Fort Leonard Wood, Missouri, Mr. Greg Adank. In this statement, Mr. Adank has provided an independent analysis of the three items of prior art (Exhibits E, F and I. **EP 0486160 A2 was just made available to the appellant; but is the terminal described in Exhibit E)** as they relate to the Appellants specification and his conclusions. Mr. Adank has also provided a straight forward matrix in his analysis that crosswalks the elements of the Appellants claims and the prior art cited by the examiner. The appellant feels that the arguments provided above adequately address the rejections as they relate to exhibits E, F, I & EP 0486160 A2 and that the appellant should be granted allowance. None of the references discloses or suggests charging users for Internet access. None of the references discloses or suggests the use of a credit card swipe device to access the Internet. In addition, the appellant would also provide the following substantive information regarding the reissue application.

The reissue should be allowed because:

- **It provides an unexpected result.** The appellant's invention provides for an unexpected result. The results achieved by this invention are new (at the time of the original disclosure), unexpected, superior, unsuggested by any of the relied on prior art. Specifically point-of-sale terminal to access the Internet.
- **It was(is) a crowded art.** The appellant's application is in what can be considered to be *crowded art*. Therefore, a small step forward should be regarded as significant. The appellant reminds the commissioner that the time frame for the original disclosure was *January 23, 1995*.

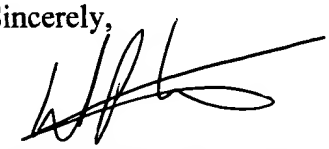
- **The rejections are based upon unsuggested modification.** The prior art cited lacks any suggestion that the references should be modified in a manner required to meet the appellant's claims.
- **The rejections are based upon misunderstood reference(s).** The references do not teach what the examiner relies upon as supposedly teaching. Specifically point-of-sale terminal to access the Internet.
- **The rejections are based upon a strained interpretation.** The examiner has made a strained interpretation of the references that could only be made by hindsight. This was demonstrated by the examiner's refusal to take in to consideration the prior art reference cross walk matrix provided by Mr. Adank, an expert in the art (appendix E).
- **The application solves a different problem.** Appellant's invention solves a different problem than the references, and such different problem is recited in the claims. *In re Wright, 6 USPQ2d 1959 (1988)*
- **There has been no convincing reasoning.** The examiner has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including the differences over prior art, would have been obvious.
- **There has been unsuggested combination.** The prior art references do not contain any suggestion (express or implied) that they be combined, or that they be combined as the examiner suggests.
- **Modifications are necessary.** It would be necessary to make modifications, not taught in the prior art, in order to combine the references in the manner suggested by the examiner.

- **Multiplicity of references.** The fact that three (four) references must be combined to meet the invention is unequivocal evidence of unobviousness.

Appellant respectfully requests that the rejections be withdrawn and allowance be provided. The appellant has made a diligent effort to amend the application so that it is in an allowable state that defines a novel structure, unobvious because it produces new and unexpected results **at the time** of the application **(January 23, 1995)**

As requested by the Examiner Woo the cover letters for the Protests of Touchnet and North Communications are provided in Appendix G&H. (Per telephone conversation with Examiner Woo, the cover letters are provided because the attachments are over 400 pages).

Sincerely,



Richard P. Mettke, pro se
7921 Panary Court,
Reynoldsburg, OH 43068

Voice: 614-861-1847
FAX: 614-458-6446

Email: rmettke@aol.com

Appendices:

Appendix A- The Claims
Appendix B- Exhibit E, *TouchFax Provides the Ultimate in Place-based Interactivity*
Appendix C - Exhibit F, Touchfax brochure entitled "*Vision, Power, Versatility*
Appendix D- Exhibit I, *Kiosk Systems using the World Wide Web*" by Rawn Shah
Appendix E- Statement by Mr. Greg Adank, Subject Matter Expert, dated April 6,2002

Appendix F- European Patent Application EP 0486160 A2, Multi-purpose Public Facsimile transmission terminal
Appendix G- North Communications Protest Cover Letter
Appendix H- Touchnet Protest Cover Letter

Appendix A-

THE CLAIMS

Claim Status: Amendment filed April 17, 2000 in response to the non-final Office action mailed August 25,1 999 and the amendment filed December 11, 2001 in response to the non-final Office action mailed June 11, 2001 have been entered. After-final amendments filed April 24, 2002, May 29, 2002 and September 16, 2002 in response to the final rejection were not entered.

6. A public on-line, pay-as-you-use communications terminal comprising a housing, wherein the housing contains:

a central processing unit (CPU);

a telephone access node;

an internal modem coupled to the CPU and telephone access node;

a video display monitor coupled to the CPU;

a keyboard for providing user interface coupled to the CPU;

a credit card reader swipe device coupled to the CPU for accepting payment by a user for use of the terminal;

means for accessing the Internet and allow for user interaction;

software installed into the CPU to allow interface with the Internet and credit card service centers; and

a printer coupled to the CPU.

7. The terminal of claim 6, wherein the means for accessing includes a touch screen interface attached to the monitor and further includes a touch screen means for accepting input

information from the touch screen interface and modifying program execution accordingly terminal which communicates and controls a microprocessor.

8. The terminal in accordance with claim 6 also including, within said housing, program means for causing said printer to print a receipt or any other document available from a commercial on-line service.

9. The terminal of claim, wherein the housing includes further including a durable enclosure for the CPU, monitor, internal modem and printer, and a secured access door for service and repair.

TouchFax Provides The Ultimate In Place-Based Interactivity

By Allen Weiner, Editor

If you think of TouchFax Information Services, Inc., as a company that manufactures public fax machines, you have only part of the picture. In the rapidly growing arena of place-based media, TouchFax is creating products that will allow consumers the same sort of interactive capabilities as they will have with their home-based interactive appliances.

"We believe the information for the machine can be strategically designed for the location type so the type of services and the type of information that can be retrieved interactively on our terminals can be totally different from one machine to another," says John Massey, the machine's creator and chairman of the Lenexa, Kan., based company.

"We always will have a basic set of common services that are available on all machines," he adds. "But, particular machines will have unique sets of advertisements and promotions on them, as well as related services that relate to the type of people that frequent a particular type of location."

And locations are key to the TouchFax family of products. Massey believes they are best utilized in places where "a number of different types of users can interact with their desired and preferred telecommunications service." Airports, hotels, truck stops, apartment complexes and even supermarkets are ideal for these multifunctional, multimedia machines.

TouchFax hardware products include three models of public terminals used initially as pay-per-use fax machines. They also can provide other services such as word processing and high-quality copies in addition to its primary communication capability of phone, fax and computer. Service products include personal fax mailboxes and information services which may be accessed by TouchFax public terminals and any private fax machines.

The TF Series public terminals are location specific and are designed to meet the space in which they will reside. For example, a lower cost unit designed for lower traffic locations also has a smaller paper storage capacity and would require more frequent service calls if placed in a high traffic location.

All TouchFax terminals use proprietar

1

EXHIBIT F

Exhibit E

App B

software to create an easy-to-use visual control panel. This user interface to the machine is displayed on a touch-sensitive color video monitor which provides instructions to the user and on-screen buttons to operate the terminal functions.

Documents to be sent are scanned on a jam-proof flatbed scanning device which operates much like a standard copy machine. Payment for services is made by using credit card or other magnetic card such as a telephone calling card. The terminal provides a detailed printed receipt of the transaction for expense account record keeping.

"It's a system that will be deployed nationally and internationally that is designed to be a public terminal, as well as a service that goes into the home."

TouchFax's TF750 is a free-standing kiosk with a high-resolution, 14-inch color touchscreen monitor, 386 microprocessor, high-volume laser printer, full-size keyboard and data port for modem and laptop connections. The TF450 is a built-in, wall-mounted unit that has an optional floor mount and offers the data ports for modem and laptop connections on an optional basis. The TF200 is a built-in, wall-mounted unit that offers a laser printer as an upgraded feature.

TouchFax offers two service products which adds to its flexibility—a fax mailbox service and electronic library. The TouchFax Mailbox is a centrally managed electronic service capable of storing fax messages. Mailbox subscribers are given a personal phone number to allow fax messages to be sent to their mailboxes, stored in the mailbox and retrieved at any time. To retrieve stored messages, the subscriber calls his mailbox number, enters a Personal Identification Number, enters the fax destination number and the system forwards the stored fax messages as instructed.

The TouchFax Electronic Library is a collection of information products organized by category. These information products are made available by combining information databases and high-resolution fax printer output with the ease of remote telephone communications. Information products are available on TouchFax public terminals and from any private fax machine.

On a TouchFax public terminal, the touchscreen provides an interactive dialog between the consumer and the information provider. For example, a consumer can select OAG FlightFax to get up-to-the-minute flight information, seat availability and fares. The consumer is guided through a series of video screens requesting their specific flight schedule. The TouchFax public terminal then sends the information via computer modem to OAG's database an a one-page personalized report is delivered to the TouchFax terminal by facsimile.

To access the TouchFax Electronic Library from your home or office requires a touch-tone telephone. A user responds to a series of audio prompts and directs the document to his home or office fax machine. For example, consumers can define the content of an up-to-the-minute special interest newsletter compiled from the news resources of *USA Today*.

Users also can request details of forecasters weather conditions in their destination city, maps and directions to specific locations, as well as city guides with suggestions on where to dine and what to see. Other services are oriented specifically toward entertainment and include popular business book summaries, personalized cartoon fax messages and event schedules.

In essence, TouchFax provides the future interactive appliance user a similar service to what he will be able to access with his Interactive Video Data Service terminal, touchscreen telephone or interactive cable device. So, home or away, the consumer can be interactive.

"The TouchFax is designed to emulate exactly what a person will be able to use in their homes," says Massey. "It's a system that will be deployed nationally and internationally that is designed to be a public terminal, as well as a service that goes into the home." ■

of today and tomorrow.

POWER. . .

Every leader has a great mind. The "mind" of the TF700 is a powerful hardware/software system engineered to provide a comprehensive set of communication functions. TouchNet™ network management software collects usage and billing data, monitors equipment status and uploads documents, software and video screens. This enables operators to remotely manage thousands of TouchFax terminals from one location. The TF700 has the additional power to access other computer systems and enhanced fax services like our own InfoTouch™ electronic library.

VERSATILITY. . .

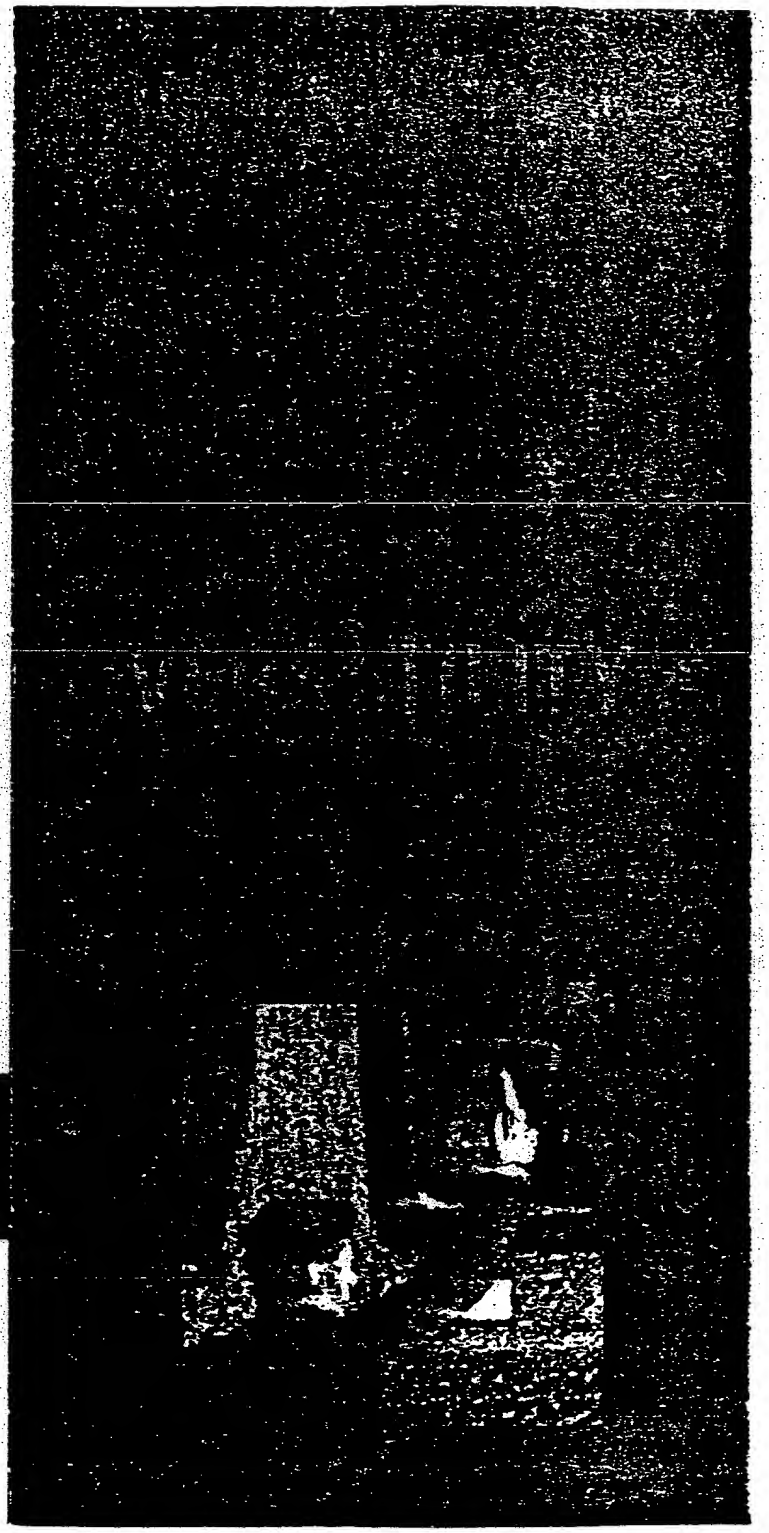
Leaders stay responsive to changing circumstances. The TF700 is a versatile platform that can adapt to take advantage of new technologies and opportunities, while meeting many present needs.

Public Fax has arrived.
The TF700 is the most complete solution to the needs of the rapidly growing public fax market. It provides high quality fax, jam-free operation and plain paper output in a convenient, self-service terminal.

Information Access is the key.
The TF700's self-instructing touchscreen interface encourages the general public to utilize the many information databases available.

Word Processing is a plus.
The full-sized keyboard offers the business traveler the perfect solution to composing and printing a letter or even personalizing a greeting card.

Video Advertising works.
The TF700's high-resolution color monitor provides a powerful medium to deliver advertising messages. In addition, each video ad screen can be linked to a printed coupon or sales literature that is instantly printed and delivered at the touch of a button.



TF

THE PUBLIC COMMUNICATIONS TERMINAL OF TOMORROW. . . FOR INDUSTRY LEADERS TODAY.

TouchFax INFORMATION SYSTEMS, INC.

15520 College Boulevard, Lenexa, Kansas 66219
Phone: (913) 599-6699 (800) 869-TFAX (8329) **Fax**: (913) 599-5588

Exclusive European Distributor: Landis & Gyr Communications (Switzerland) Corp.
Grand Pré 70, CH-1211 Geneva 16
Tel.: 022 733 55 00 **Telefax**: 022 733 52 19 **Telex**: 751 703

App C

product of choice.

In the new TF700, TouchFax has combined precision engineering and powerful functionality to create the industry's most advanced personal communication center. At the touch of a few buttons, the new TF700 can put anyone in touch with the world through an extensive menu of essential services including:

telephone, send or receive a fax, photocopying, word processing and laser printing, and access to a growing network of information databases from Wall Street news to international sports scores.

14" Color TouchScreen Monitor
offers unrivaled ease of use and displays information and ads in sharp, brilliant colors.

Credit Card Reader
accepts major credit cards, phone cards, and can be programmed to accept custom cards.

Full-sized Keyboard
extends for computer database access or word processing, and retracts when not in use.

Option Panel
invites addition of floppy disk drive, optical card reader, laptop or modem connections.

300 DPI Flatbed Scanner
delivers high resolution with jam-free, photocopier-like operation.

386 CPU
with 40 megabyte hard drive, proprietary control interface and integrated fax and data modem capabilities.

300 DPI Laser Printer
offers crisp, high-resolution printing on plain paper and an optional 700 sheet paper tray.

Compact Footprint
of just 24"W X 28"D lets the TF700 fit in almost anywhere.

Handset and Hookswitch
are AT&T quality, delivering high performance and durability.

External Speaker
gives clear audio feedback of busy signals, fax tones, or voice prompts.

Access Door
provides convenient access to internal components, extra paper and supplies.

Ergonomically Designed Cabinet
with heavy-duty steel construction comes in a variety of finishes. Custom colors are available.

Touch

The Leader in Public Communications Systems

Now the information age is for everyone. The TF700 provides a friendly, touchscreen window to a universe of information available from on-line computer and fax information services. Never before has the public had easier access to such a wide range of printed information.

"not dated"

the World Wide Web

Rawn Shah
rawn@rtd.com
RTD Systems & Networking, Inc.
2601 N. Campbell Ave., Ste 202B
Tucson, Arizona, 85719
+1 602 318 0696 [US]

The World Wide Web Information Kiosks Special Interest Group

30 April 1994

Abstract

nformation kiosks provide users with access to community and local information in an easily nderstandable format. They are designed to be used by the average user who has little or no experience vith computer or information systems. Kiosk-based information systems are already available at a variety of locations from airports to shopping malls to community information centers.

The World Wide Web has provided the Internet with an easy interface superceeding other access systems vith its popularity and its capabilities. The Web naturally lends itself to a distributed kiosk-based nformation system although there are special requirements for such a system that current Web clients and servers do not provide.

n this paper we examine the requirements that an information kiosk system based upon the World Wide Web must have before it can be widely accepted as a distributed information system for commercial and ion-commercial needs.

Introduction

A Kiosk-based Information system has many requirements to create the most user-friendly interface while naintaining security and functionality. *User-friendliness* is the most important factor for a public access nformation system because of the nature of the majority of its customers as non-computer professionals. Other factors that must also be considered for these systems are the functionality and security of the servers.

The Effectiveness of the World Wide Web as Kiosk-based Information System

The first question that should be asked is why one would use the World Wide Web as a design for a kiosk-based information system. We have identified the reasons why the Web is ideally suited for this pplication:

- the Web has proven itself as a successful networked information system through its popularity on the Internet.

EXHIBIT
I

these capabilities already.

- the Web is part of the Internet. This allows users access to the many services on the Internet.
- the ability of the Web to access other programs and services allows programmers to extend the capabilities of the server.
- the Web is a widely accepted standard as opposed to proprietory commercial multimedia systems which holds promise for its growth and development.

Who will use these systems?

The next question asks who will actually implement and who will use these systems. There has been varied interest by commercial and non-commercial organizations in the World Wide Web. Currently there are several projects underway to develop a commercial version of popular Web browsers as well as commercial services for these browsers.

The following are some examples of who might implement such kiosk-based information systems:

- Commercial, educational and governmental organizations who need to provide in-house information systems about their products and services. For example, hotels, amusement parks, shopping malls, etc.
- Communities and organizations who want to install public access booths to provide community information at key locations within the community, such as community information networks, University campuses, Airport authorities, etc.
- Commercial Information Referral organizations who wish to provide a paid service through such kiosks.

The Access Interface

The Access Interface comprises both the programs as well as the computer hardware necessary for a kiosk-based information system. This includes the Web browser or client program, the output hardware (the visual display unit, a sound system, printing systems), the input hardware (touch-screen systems, keyboards, light-pens & stylus, keypads, etc.), the kiosk-local processing hardware (if any), kiosk-local cache or information storage (if any), and the network connection hardware.

The user interface or Web browser will be accessed by the average user who may have very little or no experience with computer system. The user interface for a kiosk-based information system should be:

- Easy to use controls. Controls for the kiosk system should be understandable and easy to handle.
- Easy to understand information display. The text or visual information should be easily readable and understood in content and form by the user.
- Access to contents should be as direct as possible. The user should have to go through as few steps as possible for to reach the information they require.
- Documents should be transferred in as short an access time as possible or present a failed message if the time to access the document is longer than a certain amount considered as t=infinity.
- The program interface should be able to return to a default home page automatically when left idle for an extended period of time.
- The physical unit should be reasonably secure to tampering or vandalism so as not to provide incorrect information.

- A minimal number of input devices so as not to confuse the user.
- Easy to use input devices such as a touch-screen or stylus based system
- The unit must be at an adequate height so that it is accessible by most people including handicapped users.
- The output devices should be easy to understand. Visual display output devices should be large enough to be read without difficulty by any type of user. A sound system should be clear enough to be understood but not loud enough to offend.
- Security against vandalism or theft of the kiosk should be maintained.
- A set of clear operating instructions for the booth must be displayed in some form on the physical unit of the booth to ensure proper usage.

- **User Interface Program**

  - Non-essential items such as buttons or menubars not directly related to the content of each page or not required for the correct usage of the system should not appear. Such items may also give a user access to secure or incomplete areas of the Webspace.
  - A common device such as a toolbar should always be present to provide users with a central control mechanism to the interface system. For example, users may wish to return to the home page or skip back to previously viewed pages. This device should be modifiable to the requirements of specific installations.
  - Support for internationalization and non-English languages and character sets.
  - The program should be able to keep track of the history of documents accessed by the user. It should be able to understand different usage sessions counting each session as one beginning from the home page. It should remove the history of access from previous sessions.
  - It may be able to display graphics and movies and play digitized sounds and voice overs.
  - It may be able to launch other programs to be presented upon the same output devices.
  - There should be a diagnostic mode for servicing the program or the kiosk-local system.

The Server

There are also suggested requirements for the Server program for these information kiosk systems. Commercial organizations will most likely have an invested interest in such information kiosk systems and may require that certain procedures should be followed by the servers for these systems.

Note that each kiosk may be a standalone system containing all the local information and with a link to the rest of the network. This would be a fast but costly system since the information requested the most often would be on local storage media. This may also be difficult to implement and maintain if there is a large amount of data. However, it will reduce the cost of the network link if a non-permanent circuit or dial-up connection is used.

Each kiosk may in turn be a client only system which access the information over the network link from a remote server and caches the information locally. To transfer the information from the server down to the kiosk may take some time but it saves cost and reduces the maintainence. This may be expensive if network connect time charges are expensive.

Functionality

The server should be able to access foreign databases which act as storehouses of raw data. The server should be able to locate these databases and the information within with the least amount of processing or translation.

The server should have good support for graphics and graphical enhancements. The concept of imagemaps are almost a must. Mapping between commands and images enhances the ease of use of system. Also useful would be a reverse of the imagemap concept where a user selects an item or enters a piece of text and its corresponding image is displayed.

Storage and Transfer

Since these kiosks may be located at remote sites, the problems of data storage, caching and transfer becomes important especially considering that the information has to presented in a rapid and predictable manner.

The problems of data storage are directly related to the actual implementation and hardware requirements of the system. Although no specific suggestions have been made as to the actual computer system required for a kiosk-based information system, the general trend is to use cheaper and cost-effective equipment to reduce the problems of theft, vandalism, or damage.

If the server and data is located locally, the kiosk would only require to use the network when accessing remote documents. The kiosk-local computer system would not require a very large cache area since the documents can be accessed very rapidly.

If the server is located remotely more considerations come into play. The server must be able to respond and transfer documents in a limited amount of time over the network link. Servers might also be able to offload requests to other similar servers when they are too busy to respond. This suggests a form of server to server communication and load-balancing which is currently *not* a part of the HTTP specification. The data may require to be replicated across several storage systems and duplicate servers on other computer systems may be necessary as a failsafe measure to ensure constant access.

Security

Security of the server depends upon the type of implementation of the kiosk, whether standalone or remote server based. However, certain common elements exist in both, such as physical access to the server's computer system. Access to the console of the server should only be allowed to secure personnel to ensure the safety of the information.

Network security is another issue. Access to the computer network that the servers are located on should be secure to reduce the chance of computer cracking or vandalism of the information. Since most servers run on common operating systems such as UNIX, VMS, etc., operating system security is also a crucial element in the safety of the information.

Data managers should decide upon a protocol for operator access, updating and maintainence of the information since it can affect the lives of many others.

Another form of access is dependent upon the content of the documents. A public system will not often

Control

Control involves the access to the server and kiosk system for diagnostic examinations and also modification of the information space. Control is tied in very closely with security.

Operators and Data Managers may wish to log access to documents for statistical analysis. Keeping accurate logs of document access can help administrators anticipate growth of the installation.

Each installation should be able to decide which URI's are accessible through their server. Some installations may decide that they do not wish to provide their kiosks with access to the "news" or "mailto" services.

Commercial organizations may also wish to charge customers for access to specific documents or services. The concept of registered users and billing may be built into the server.

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Mr. Richard P. Mettke

April 6, 2002

Reference: Patent Number: 5,602,905

Dear Mr. Mettke,

Upon complete review of your original patent application (8/376247) and patent number 5,602,905, reissue amendment filed on DEC 11,2001, and USPTO Office Action dated MAR 12, 2002 (Examiner Woo). I would submit to you the following observations as someone skilled in the art.

General Observations: The patent application articulates well a multitude of automation capabilities that one should considered "commonplace" in 1994. Typical home and business computers (Intel based 286/386 and other compatible class processors) were capable of performing all tasks and features described in your background description of prior art. Specifically, those systems were capable of sending and receiving faxes via internal or external modem, generating electronic documents and printing or faxing them to a remote terminal, communicate with on-line service providers (Prodigy, Compuserve, AOL), as well as be used to communicate on the Internet via Internet service provider (ISP). The ability to couple a credit card reading device to a computer terminal was also common place during this time as many point-of-sale devices (i.e. cash registers) were in fact systems built from the core components found inside a computer terminal.

Understanding and Interpretation: The most straightforward approach to building the terminal device described in your patent is to use and adapt operating systems, hardware, and software that was readily available. With commercial off the shelf (COTS) hardware and software available in 1994 and the details given in the referenced patent I submit the following comments with regard to the feasibility of building such a terminal device.

App E

1. The Microsoft Windows 3.1 operating system was released April, 1992 and was the most popular computer operating system on the market in 1994. Windows NT 3.1 was released August 1993. Either operating system could fully support the functionality needed to enable a computer terminal as described in your patent.
2. The ability to print information generated by or downloaded to the computer terminal is a common capability for such a device described in the patent. Operating systems identified in #1 above support a wide variety of laser quality printers, there is no particular challenge to make this feature work.
3. Given that the terminal device must communicate with on-line service providers, Internet service providers, and have the ability to send/receive faxes, it would be highly desirable to have a high-speed internal modem in the terminal. Such devices were readily available and could perform all communications tasks as defined in the patent.
4. Assuming that a Fax/Modem device is installed in the terminal I would point out that the software, which typically accompanies such devices, would fully enable the terminal to perform dial-up connections to on-line services, Internet services, and send/receive electronic faxes.
5. Microsoft Office was release in January 1990 and would provide an array of office automation capabilities on the terminal. Since your patent only identifies word processing I would select the Microsoft Word application, which was available as a separate software package, to provide word processing capabilities at the terminal device.
6. In order for the computer terminal to access on-line service providers (Prodigy, Compuserve, AOL) specialized software would be needed. It was, and still is, commonplace for such service providers to distribute dial-up software free of charge to customers that subscribe to their service. The computer terminal would need one copy of each on-line provider's access software package to properly communicate with their host network. In my experience it was commonplace for multiple on-line provider software packages to reside on a single computer terminal and would not present itself as a technical challenge to configure.

7. The computer terminal would also require [illegible] to obtain network connectivity from an ISP. As described in your patent this capability would enable the terminal user to send and receive email and locate information available on the Internet. Windows 3.1 and NT 3.1, along with the Internet Explorer web browser (which is part of the operating system) has sufficient dial on demand capabilities to support the task of providing ISP based services.

Review of Figures: The functional operation of this proposed terminal device is clearly illustrated in figure 1. It illustrates relationships between the general telephone switching network, on-line service providers, Internet service provider, and the computer terminal device. It further illustrates the functional relationship between the terminal device and a credit card service provider. As figure 1 illustrates, the computer terminal device may require a single plain old telephone system (POTS) circuit to perform credit card validation, dial-up access to on-line and Internet services, and send/receive faxes.

Figure 2 illustrates a physical layout of the computer terminal and cubical or privacy booth that would contain the device(s) identified in figure 1. What is not apparent in either figure, but what I perceive is implied in the patent, is that a housing would be used to store the computer terminal, input/output apparatus, and credit card swiping device. It would be highly desirable to centralize such components in a single enclosure and limit access to the devices through a customer service opening in the front, and a lockable access panel to protect and secure components from tampering and/or theft. Such enclosures were readily available on the market and are frequently used in manufacturing plants, assembly line operations, and in other environments where delicate devices must be protect from damage due to impact, natural elements, and/or vandalism. The computer terminal as described in the patent would easily fit within a single housing and does not present itself as a technical challenge.

Evaluations of Exhibits: The following table identifies the features and capabilities listed in or implied within each of the exhibits and the Mettke patent. Upon close

evaluation it is my opinion that none of the three exhibits provide at least the same services as described in the patent or reissue application. The TouchFax exhibits clearly provide a customer with advanced fax, copier, word processing, and proprietary database access to selected information. However, that system does not provide access to existing on-line service providers (i.e. Prodigy, Compuserve, AOL), nor does it suggest that the TouchFax devices have the capacity to offer direct Internet access through an ISP.

The Shah article provides a framework for building information kiosk system using the World Wide Web as it's primary communication and information infrastructure. While it lists and recommends much of the same equipment identified in the patent it clearly does not mention nor imply that such kiosk devices should offer customers access to existing on-line service providers, or the Internet on a point-of-sale basis, or provide pay-per-use send/receive fax service. The Shah article makes no mention of a credit card swipe reader. The following matrix identifies the similarities and differences in capabilities as stated and implied within each exhibit, the patent, and reissue patent.

Feature	Exhibit E TouchFax	Exhibit F TouchFax	Exhibit I "Shaw" Article	Mettke Patent	Mettke Reissue Patent
Access to Internet services			x	x	x
Access to on-line Services				x	
Advertisements and promotions	x	x	x		
Credit Card Reader	x	x		x	x
Data Ports	x	x			
Electronic Library	x	x			
Fax Mail Box Service	x				
Flat Bed Scanner Device	x	x			
High Quality Copier	x	x			
Keyboard	x	x	x	x	x
Laser Printer		x	x	x	x
Light-pen, stylus, keypad			x		
Multi-language support			x		
Network Connection Hardware			x		
Pay-per-use	x	(implied)	x	x	x
Phone	x	x			
Printed Receipt	x			x	x
Remote System Management		x	x		
Send/Receive Fax Services	x	x		x	x
Sound system			x		
Touch Fax Information Service	x	x			
Touch Net		x			
Touch Screen Monitor	x	x	x	x	x
Web Browser			x	(implied)	(implied)
Word Processing	x	x		x	x
See Footnotes:	1,2	3	4	5	

1. Makes vague reference to providing "...related services that relate to the type of people that frequent a particular type of location"

2. Electronic library produces "fax" output only, and on topics made available via proprietary databases (I.e. OAG Flight Fax for flight information)

3. On the bottom of page two, right hand corner, a vague comment is made to the product providing access to "...a universe of information available from On-line computer and fax information services." The nature of this advertisement implies that the on-line services provided are those available through a proprietary library service that the fax device will interact with and produce output from.

4. Makes no mention of kiosks that can access existing on-line service providers or their information (I.e. Prodigy, Compuserve, AOL) or the Internet

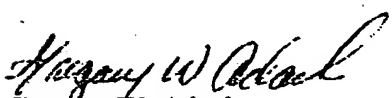
5. On-line services are defined in the patent as commercial services such as Prodigy, Compuserve and AOL.

Conclusion: Having reviewing the referenced patent and three exhibits I have formed the following professional opinions:

1. Having read and understood information provided in patent 5,602,905 and the reissue amendment it is my firm belief that the pay-per-use fax service, ability to access on-line service providers, and ability to access information on the Internet via ISP is feasible and defined sufficiently enough as to allow someone skilled in the art to build and deploy such a device.
2. Exhibits E and F clearly communicate that their primary capabilities are to provide word processing, copier, and fax services to the patron. These devices have the ability to interact with and retrieve information from a proprietary database, but only to the extent that the service provider has anticipated the needs of their customers and pre-loaded the information as to make it available. These devices clearly lack the ability to communicate or interact with data stores generally found on the Internet through an ISP. Neither do TouchFax devices allow access to existing on-line services, such as Prodigy, Compuserve and AOL or the Internet.
3. The Shah article provides a framework for building information kiosk system using the World Wide Web as it's primary communication and information infrastructure, however it does not state nor imply such devices should offer access to existing on-line service providers, the Internet, or a send/receive fax service on a point-of-sale basis.

Personal Background and Credentials: I currently work for the United States Government in the capacity of Acting Directory, Information Management, at Fort Leonard Wood, Missouri 65473. Specific duties and technical skills include Network/System administrator of a 5000 node Campus Area Network composed of Windows and Unix based servers and desktop computers. Programmer, develops software applications using multiple high-level interpreted and compiled languages.

Adjunct Faculty member of Columbia College, Fort Leonard Wood Extended Studies Division, teaching numerous programming, software engineering, networking and data communications courses in the Computer Information Systems and Math department. Owner, VagaTech networking and Internet solution provider business operating in Waynesville, Missouri 65583. Education: Masters degree in Information Resource Management from Webster University, St. Louis Missouri, and an undergraduate degree in Computer Information Systems from Columbia College, Columbia Missouri. Contact Information: I can be reached via email: greg@vagatech.com, phone: (573) 774-2544, or U.S. mail: 22740 Rose Meadow Lane, Waynesville, MO 65583



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(71) Applicant : **TOUCHFAX INFORMATION SYSTEMS, INC**
15520 College Boulevard
Lenexa, Kansas 66219 (US)

(72) Inventor : **Massey, John C.**
10701 West 116th terrace
Overland Park, Kansas 66210 (US)

(74) Representative : **Barlow, Roy James et al**
J.A. KEMP & CO. 14, South Square, Gray's Inn
London WC1R 5LX (GB)

(54) Multi-purpose public facsimile transmission terminal.

(57) A multi-purpose public facsimile transmission terminal otherwise known as a public fax terminal, employs a stand alone kiosk with a touch activated computer display color monitor presentation, advising the user of the operational steps to take in the use of the machine. The user initiates operation by inserting a credit card in a card reader and following the instructions presented on the monitor. A scanner mounted in the kiosk reads a document to be faxed and stores the image in the memory of a computer. Faxed transmissions are received and sent over telephone lines by a fax modem in the computer. Copies of faxed documents are provided by a plain paper laser printer, which also has the capability of providing copies of any scanned documents or any documents in the computer memory. The computer memory presents video advertisements and has stored business and message forms which can be retrieved and used as desired. An interface connection open to the exterior of the terminal connects to a computer such as a laptop computer, provided by the user to download and fax information in the memory of the laptop computer. The terminal may also be used to retrieve documents from a remote data base system.

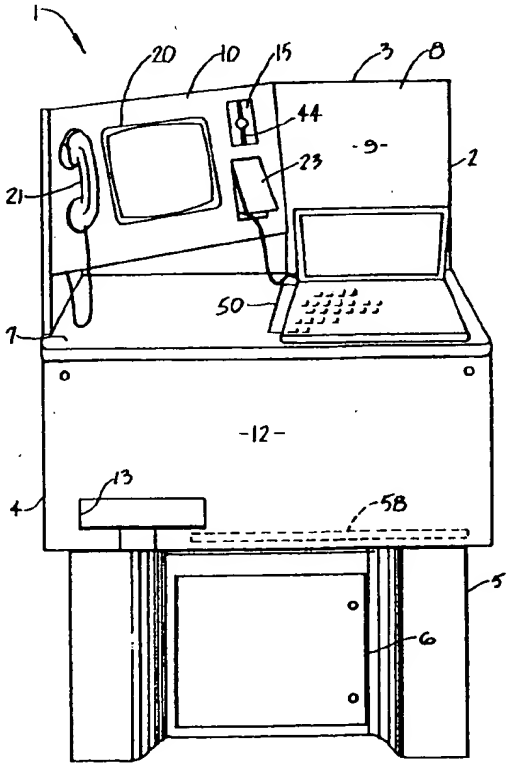


Fig. 1

EP 0 486 160 A2

APP F

Field of the Invention

The present invention relates to facsimile transmission terminals and in particular to those terminals which use a means for payment and are public fax machines.

Background of the Invention

Facsimile machines are in common use in homes and offices and in businesses throughout the United States and industrialized world. For business people away from their office, facsimile transmission services are available through hotel or small business service centers, which use an ordinary fax machine and charge for the service. These machines require an attendant to enter telephone numbers into the fax machine, service it when necessary, and to collect payment from the customer for the service. While these public fax services are available on an operator assisted basis in many office supply stores and copy service businesses, a need exists for a public fax service available to the user at a credit card activated, free standing kiosk which would be located in airports, hotels, motels, office buildings, court houses, post offices and convenience stores or any place frequented by the general public and at which it is inconvenient or impractical to station an attendant.

Public fax machines have heretofore been known to the public which use a conventional office fax machine in an enclosed housing coupled with a pay telephone and credit card reader. These machines were difficult to use because of the complexity of the instructions and procedures. Additionally, they use thermal paper and a document sheet feeder which has a tendency to jam. While these occurrences can be easily remedied in an office, the public user does not or should not have access to the fax machine and jams take the terminal out of service until an attendant arrives to service the machine.

Objects of the Invention

The objects of the present invention are: to provide a public facsimile transmission terminal having a stand alone kiosk; to provide a public facsimile transmission terminal having a touch activated computer display color monitor presentation advising the user of the operational steps to take in the use of the terminal; to provide such a public facsimile transmission terminal which includes a credit card reader; to provide such a public facsimile transmission terminal which includes a flat bed scanner reading a document to be faxed and storing the image in the memory of a computer; to provide such a public facsimile transmission terminal which provides copies of faxed documents or copies of documents in general by a plain paper printer; to provide such a public facsimile transmission terminal which provides stored business and message forms; to provide such a public facsimile transmission terminal having an interface connection for a user's laptop computer download and fax information in the memory of the laptop computer; to provide such a terminal including a computer with memory to present video advertisements and stored business and message forms; to provide such a terminal which acts as part of a network to a remote information data bank; and to provide a public facsimile transmission terminal which is economical to manufacture, easy to use and suited for the intended purpose.

Other objects and advantages of this invention will become apparent from the following description taken in connection with the accompanying drawings, where are set forth, by way of illustration and example, certain embodiments of this invention.

Brief Description of the Drawings

Fig. 1 is a frontal perspective view of a public facsimile transmission terminal embodying the present invention.

Fig. 2 is a diagrammatic view showing the placement of the components within the public facsimile transmission terminal.

Fig. 3 is a circuit diagram showing the layout of a timer within the public facsimile transmission terminal.

Fig. 4 is a diagrammatic view of the interior of the public facsimile transmission terminal.

Figs. 5 through 14 are schematic views of a flow chart of the terminal computer software program.

Description of the Preferred Embodiment

As required, a detailed embodiment of the present invention is disclosed herein. However, it is to be understood that the disclosed embodiment is merely exemplary of the invention which may be embodied in various forms. Therefore, specific structural and functional details disclosed herein are not to be interpreted as limiting, but merely as a basis for the claims and as a representative basis for teaching one skilled in the art to variously employ the present invention in virtually any appropriately detailed structure.

Referring to the drawings in more detail: the reference numeral 1, Fig. 1 refers to a public facsimile transmission terminal which, in the illustrated example, is contained in a stand alone kiosk 2, having a top 3, opposite sides 4 and 5, a bottom door 6 for access to the interior of the kiosk 2 and an upper table 7. A backboard 8 contains a space 9 for placement of advertising or user information and an angled front panel 10 contains operative elements of the terminal 1 as set forth below. The angled panel 10 is spaced upwardly from the table 7 a short distance so that the full extent of the table 7 can be utilized. In addition to

the swing open door 6, the front panel 12 is also hinged for swinging access to the interior of the kiosk 2 and contains a chute 13 by which documents fed out by a printer located within the kiosk 2 as hereinafter described may be retrieved. Preferably, the kiosk 2 is formed of stainless steel or other durable material construction to withstand public use and abuse.

Within the kiosk 2 are the major components of the terminal 1 including a credit card reader 15 for enabling the function of the machine 1, a scanner 16 for scanning a document to be transmitted, a fax modem and data modem 17 for transmitting a scanned document and a computer 18 operably connected to the scanner 16 for storing and transmitting the image to be transmitted. The fax modem and data modem 17 is preferably positioned within the computer 18. A printer 19 is connected to the computer 18 for printing copies of incoming facsimile images and documents stored in the memory of the computer. A computer display screen 20 is mounted in the angled panel 10 so that it can be easily viewed by a user of the terminal 1. A telephone handset 21 is mounted on the angled panel 10 adjacent the computer display screen 20 for placing outgoing telephone calls and connecting the fax and data modem 17. A door 23 through the angled panel 10 conceals access to an interface connection into the computer 18.

In the illustrated example, Figs. 2 and 4, the terminal 1 includes a power inlet 25 routed through an on-off switch 26. A fan 27 is wired to the on position of the switch 26 for continuous operation and cooling. 110 volt AC power from the inlet 25 is routed through a power filter 29 as a surge protection. An incoming telephone line 31 is routed through the power filter 29 also for surge protection and ultimately wired to the telephone handset 21. The telephone handset 21 is connected via a telephone hook switch 32 to the fax and data modem 17 as hereinafter described.

Connected to the power filter 29 are the scanner 16, computer 18, the laser printer 19, and a power supply transformer 36. The power supply transformer 36 powers a parallel port printer switch 38 having outputs 39 to the laser printer 19, output 40 to a computer interface, and an output 41 to a parallel port computer interface input/output box 42.

In the illustrated example, the credit card reader 15 includes a slot 44 for placement and retrieval of a credit card. A multiwire harness 45 carries signals from the credit card reader 15 to the telephone hook switch 32, commport 1 of a serial parallel card 47 in the computer 18, and to the parallel port printer switch 38. Power to the credit card reader 15 is received from a power supply connecter 48 in the computer 18.

The scanner 16 is preferably a flat bed scanner which provides a 300 DPI half-tone grey scale image and in the illustrated example, is manufactured by Panasonic, Model RS505 or Umax, Model U-32. The scanner 16 is accessible through a hinge mounted upwardly rotatable scanner door panel 50. A scanner card 51, Fig. 4, in the computer 18 provides interface between the scanner 16 and the computer 18.

The fax and data modem 17 is also mounted within the computer 18 and is connected to its motherboard. The fax and data modem 17 includes a fax card 51 which is preferably of 9600 BPS modem-MH coding. A data modem card 54 is preferably Hayes compatible and provides a suitable transmission rate such as 2,400 baud. A jumper 55 connects the fax card 51 to the data modem card 54.

The printer 19 is preferably an IBM or a Hewlett-Packard laser jet printer, such as am IBM 4019 printer or a Hewlett-Packard Laserjet II printer which provides a high quality plain paper print of either incoming fax messages or documents printed from computer memory. The preferred printer is a 300 DPI printer for a high quality print resolution. The printer 19 is mounted on a slide out tray 58 mounted within the kiosk 2 so that as the door 12 is swung open, the printer 19 may be slid outwardly for ease of servicing. The discharge chute 13 opening through the door 12 is positioned so that documents exiting the printer 19 fall into the chute 13 and can be easily retrieved by a user of the terminal 1.

The exemplary computer 18 uses an Intel 286 processor chip and operates at 12 megahertz, 200 watts. It includes a 40 megabyte hard disk and is connected to the computer display screen 20. The monitor is a 14 inch VGA color monitor and requires either a video VGA card of 256 kilobytes of memory or 512 kilobytes of memory. The monitor 20 has a touch screen overlay controller which allows image areas of the display monitor 20 to be touched and activated as control buttons. The computer program displays images of button controls on the monitor that relate to the touch screen control zones which activate the functions of the computer. Either a resistive type or a capacitative type touch screen controller may be used which connect to an interface controller card that controls the computer 18.

The computer 18 also contains a printer video interface card 62 and a connection port J1 64 for connection to a service keyboard 65. The keyboard 65 is provided by a serviceperson involved in the programming of the computer 18 during installation and continued maintenance of the terminal 1, and is not otherwise necessary to the continued operation of the terminal.

Referring to Fig. 3, a watchdog timer 67 in the computer 18 functions generally as a circuit that when the program of the terminal 1 is running properly, the timer circuit is constantly pulsed with a signal from Chip U.555, Numeral 69, that prevents a resistor and diode circuit within the timer configuration from building a charge above a selected voltage value. If a charge above the nominal value is accumulated, the charge exceeds a threshold point and a diode dumps

a voltage across a transformer 70 that engages a relay 72 that initiates a hard reset of the entire computer 18. The circuit 67 allows for a resetting of the computer when a software lock up has occurred as a preventive device.

The computer program of the terminal 1 runs a promotional and instructional demonstration during non-use periods. The screen 20 continuously prompts a potential user to begin terminal use by touching the screen. Further instructions prompt the user to insert a credit card. The computer program then branches to a main program which displays self instructions on the screen and an initial main menu set of button options. Upon the activation of any button by touching the image on the screen, the program then branches to sub-routines that activate the function selected by the user. The program simultaneously displays the on-screen instructions and options necessary to move the user through the use sequence. The program automatically engages selected hardware and software routines such as dialing a number or scanning and printing a document to fulfill the function selected.

During the use of the terminal 1, video advertisements are displayed during wait periods and at the end of the session, a detailed receipt is printed, including on-line time.

In general, the computer operating program provides a charge by selection, such as fax services, a charge by time used, a charge by the number of pages sent or received, and a charge for class of telephone calls, whether local, long distance or international. A "send a fax" option presented by the computer permits the user to select the quality of the fax transmission, whether normal, fine or photographic, the size of the print, whether legal or letter size, or asks the terminal to print a cover page. The user is then asked to scan all pages and enters up to eight fax destinations. As the fax is being sent, the computer notifies the user that the system is dialing, that a connection has been made, and that the fax is being sent. The screen also displays the number of pages to send and the number of pages sent. If the transmission is not successful, the system will display that there was an error in transmission. The system will then ask the user to "try sending the fax again" or "cancel fax - no charge." If the user requests "Receive a Fax", the system will automatically set up to receive a fax.

If the sender calls at that time, the fax will be received. The user will also be allowed to make a call and tell the sending party to send the fax to the location's phone number. All faxes are printed to the laser printer and scaled to 8-1/2 X 11 inch paper.

If the user requests "Make a Phone Call", the user will be allowed to dial using an on-screen keypad. The user is able to change the number before the system dials. Once the number is dialed, the user is able to produce a dial tone message format signal by pressing the keypad. When finished, the user is asked if he or she would like to use another service, make another phone call or quit.

If the user requests "Make a Copy", he or she will be allowed either "Quality - Fine or Photograph" and "Size - 8 1/2 X 11 or 8-1/2 X 14." The user is then asked to scan each page and print up to ten copies. All copies are printed to the laser printer 19 and scaled to 8-1/2 X 11 inches. If the user selects "Laptop PC Connection", the system instructs the user to lift the door 23, connect the laptop cable to the parallel port 42 and print using HP LaserJet or appropriate emulation.

If the user selects "Fax Greeting Cards", the system will display a list of cards. When the user selects the card, the system will display the image and ask the user if he or she would like to have it printed.

If the user selects "Fax Business Forms", the system will display a list of forms. When the user selects the form, the system will display the image and ask the user if he or she would like to have it printed.

If the user selects "On-Screen Word Processing", the system will display a keyboard on the lower half of the screen and a blank page in the upper half. The user can type on the keyboard as he or she would use a typewriter and then print it when it is completed. The page is printed with one inch margins.

An "Electronic Library" function displays menus for accessing various remote information sources and service applications available via data communication lines. The program may be tailored to specific databases with programmed touch buttons and associated pathways.

Internet? Data bases are not Internet

When the user quits, the program prepares a bill indicating all charges, time used and credit card information. Charges are calculated based on the setup file. In addition, two files are created. The activity file accumulates and details each of the following items: perpetual clock time, perpetual clock data in 24 hour time, unit location, phone number fax sent to, phone number fax received from, number of pages transmitted, number of pages received, delivery status of each transaction, total amount billed to customer for transaction, major credit card provided for payment, full card account number, card expiration date. The billing file accumulates the account number, expiration date, total amount of transaction, current time and current date.

The program also includes a diagnostic routine. At a designated time, the program takes the terminal out of service and displays this status and the time left to be out of service on the screen. This designation is configured in a setup file.

The system tests each available component and reports any failures via modem to a designated monitoring location. The system tests the following components: display status, hard disk available space, printer status, scanner on-line, fax card to component

level, paper supply remaining, toner supply remaining, and modem status. All failures are logged in a file called ALPRINT.

When the program completes the diagnostic testing, it sets itself to auto-answer a remote host computer for billing transfer. Once the connection is made, the system will ask for a password. If the password is correct, the system will hang up and call the host computer back.

The program includes a set up file in which the following information may be configured: location information, CSID information, billing information, send a Fax variables which include delayed sending time and retry times, and diagnostic options including time to shut down. This information is configured from a simple menu.

The program is preferably written in an MS-DOS operating environment and uses Turbo-Pascal, C, and Assembler languages.

Referring in detail to Figs. 5-14, the software program flow charts, the terminal 1 runs a full motion demonstration program during all non-use periods. The screen prompts a potential user to begin using the machine by simply touching the screen. The flow chart, Fig. 6, begins with a start button at the top of the chart representing that starting point when the screen is touched and activated. The next screen that is shown, the "select service screen", is a main menu screen. The program flow branches down to the selections on the main menu which represent six different applications. Those are: "send a fax", "receive a fax", "make a copy", "phone call", "900 audio services" and "additional services." Upon selecting one of the main menu buttons, the program would step forward into a specific set of procedures necessary to complete that function. After pressing for example, "send a fax", the screen shows four easy steps to send a fax. These are examples of the four steps that would follow, giving the user a simple overview to assist his or her instruction.

The next screen in this sequence will have a "continue" button on it allowing the user to move forward in the program quickly. The next screen, Fig. 7, shows the charges relating to sending a fax, again, a "continue" button can move the user faster through the program. At the next screen, the user is asked to make a selection of one of two buttons. One button would indicate the standard settings and be shown as one color button, for example green, and a second button, such as a gold button, would represent change settings. If the user selects "change settings", the other screen appears, allowing the user to select the paper size. The options are letter size, 8-1/2 X 11, or a second button, representing legal size, 8-1/2 X 14 inches. After making a size selection, the screen changes and a selection of transmission quality would be displayed by three buttons, a first color button representing normal, a second color button representing fine detail, and another second color button representing photographs or half-tone images. Once a transmission quality selection is made, the screen changes to the next prompt. This prompt, Fig. 7, asks the user if he or she would like to print out a cover page or to not print a cover page. If the "print cover page" button is selected, a screen appears that gives the user information that the cover page is printing. Also at that time, a video advertisement is shown on the portion of the screen. The following screen would be shown that the cover page is completed and would give the user instructions to fill out the cover page and when finished, press a "continue" button.

The next screen, Fig. 8, after the "continue" button has been pressed, presents instructions to scan a document and includes a button image that would initiate or start scanning the document. The screen displays specific instructions, indicating to the user to lift the scanner door, place a page face down at the red corner, close the scanner door and start scanning the document. The screen then shows a progress bar showing the scanning of the document, 0 to 100%. At the end of the scanning of the document, an option is available for the user to scan another page or all pages are scanned. If "scan another page" is selected, the process of scanning a document is repeated as indicated. If "all pages scanned" has been pressed, another screen comes up indicating a number dial keypad and prompts the user to enter the recipient's fax phone number on the keypad. After the number is entered, there are two button options. If a mistake has been made, a button for changing the number appears or a button appears for dialing the number. If dial number is pressed, a screen prompting the user to insert his credit card at that time is presented. The card is inserted and if successful, the documents will then be faxed out. If the card is not successful, it will allow additional opportunities for the user to insert the card through a loop process.

When the faxed documents are dialed and sent out, if the documents are successfully transmitted, a screen will be shown that successful transmission was completed. If the documents were not successfully transmitted, an options screen appears indicating that the faxed documents cannot be delivered, allowing the user the option to retry, change number, delay, transmit or cancel the transmission. At the end of the attempt or completion of sending the fax, the user would get this confirmation of delivery. Referring to Fig. 9, after confirmation of delivery, the user views a screen that indicates that the service is finished and the user has the option of quitting at that point or selecting more services. If the "quit" button is selected, the terminal 1 will print a receipt. It will also indicate on the screen the progress of the receipt printing, while showing a video advertisement. When the receipt was completed, it prompts the user to remove the receipt from the paper tray and to remove the

documents on the scanner. At the end of the session, the screen displays a message of appreciation and returns to the standard default mode for its non-use period.

Fig. 10 illustrates the option at the main menu to receive a fax. A screen will appear showing the four easy steps to receive a fax. The user is also given the option to press the "continue" button to continue on faster to the next screen, but displays the charges for receiving a fax. There also is a continue button where the user has the option to continue faster to the next screen which gives the instructions to receive a fax. On that screen is also a continue button that the user may press to continue faster to the next screen, that allows him or her to enter a number to notify the sending party of the fax. On that screen is a keypad where the user presses the number he or she desires to enter. The screen also displays two buttons, "change number" and "number correct". The user elects the option of changing the number. The user can reenter the number on the keypad or if the user chooses the option of "number correct", the program continues to the next screen where the user is instructed to insert and remove a credit card. If the credit card inserted is of the correct type and inserted properly, the program dials the sending party and enables the user to talk to the sender and tell him or her of the telephone number at the terminal 1 to which the sender should transmit a fax. Upon hang up and completion of the call, the screen displays "waiting to receive a fax" with a countdown timer. On this screen is a video advertisement in the upper 2/3 of the screen. In the lower portion, 1/3 portion of the screen has a remaining time countdown for automatic reception. The time starts at five minutes and counts down to zero. Another screen appears to indicate that the terminal 1 is receiving a fax and counts the number of pages received while receiving them. When the transmission is complete, it provides a notice that it is printing the pages of the fax received. When it has finished printing all the pages, the display continues to the next screen to instruct the user to remove the documents from the paper tray. If no fax is received during the five minute wait period, a message indicates that the fax has not been received and a "press the continue" button in instructed. The display shows the service is complete and the option is given to quit or select more services. If the user selects the quit option, the receipt is printed and an instruction issued to remove the receipt. The user is instructed to remove the original document from the scanner and a screen is then presented that provides an appreciative greeting and the display may continue.

If the user has elected to choose "Make a copy" from the main menu, a screen is presented that describes four easy steps to make a copy. This screen has a "continue" button that allows the user to go online faster than the normal time value of thirty seconds to the next screen. The next screen has pricing for this service on making a copy, which also has a "continue" button which allows the user to continue faster. The next screen gives the user instructions to make a copy and also includes a continue button. The next display prompts the user for "use standard settings" or "change settings". If the user elects to change settings, he or she is prompted for the original document size. If the original is letter size, the option is elected by pressing the "letter" button. The other option is "legal." After the user chooses the original document size, a prompt is presented to select photocopy quality. This quality can either be detail or photographic. After the user has completed changing settings or using the standard settings, a prompt is displayed to enter the number of copies desired for that one document page. After the choice of the number of copies, an instruction is given to press the "start copy" button. The next screen appears and instructs the user to insert and remove a credit card. On successful acceptance of the credit card, the unit starts the document copying process. The user is instructed that the document is being copied by the scanner and prints out the document through the printer. After the pages are printed, a prompt asks if the user would like to copy more pages. If the option of copying more pages is chosen, the program goes to the beginning of the loop to the screen which instructs on how to make a copy. Otherwise, if the user pressed "all pages are copied" the sequence goes to the "finish service" block.

If the user selects "phone call" from the main menu, a prompt appears with the phone call charges, including the continue button. If "continue" is pressed, the unit times out to the next screen to an instruction to insert and remove a credit card. Upon successful completion and acceptance of the credit card, the user is instructed to lift handset to begin the phone call. After pressing the "continue" button on a "lift handset to begin call", the user is prompted with a keypad to enter the phone number. When entering the number, an option is given of changing the number by entering "number correct", at which time another screen appears with a keypad without the option of changing the number or the "number is correct." When that keypad appears on the next screen, the unit automatically dials the number and the user is prompted with the button that states that the call is done. When the user presses that button, it continues to the "finish service" block.

If the user elects to choose a 900 telephone number audio service from the main menu, an instruction is given with the pricing for this service and the "continue" button appears. The next screen prompts the 900 audio service of choice. Examples of these 900 audio services are a daily horoscope, the latest sports news and scores, weather report for 25 national cities, stock market news and quotes, lottery updates or

soap opera update. After selecting one of the examples, the user is given instructions for use of the 900 audio service with the continue button or the option to return to the main menu. If "continue" is selected, an instruction is given to insert and remove a credit card, and upon successful completion and acceptance of the credit card, instruction is given to "lift handset to begin call" and a prompt made to press the "continue" button. Upon "continue", the display changes to the keypad screen and automatically dials the 900 audio service number. On the keypad screen, the user is given the option of entering additional letters, such as the first three letters of a zodiac sign. After the user has finished this service, he or she is prompted with the button labeled "Done with phone call." Upon pressing that button, the display continues with the "finish service" option. Of course, the main menu may be modified to present different functions.

If the user elects to use additional services from the main menu, the display continues to another menu that may have various services depending upon programming entered by the terminal supplier. These additional services include greetings and business forms. For example, the user is prompted to select a service providing faxed greeting cards or faxed business forms. After selection of one of the services, in this example, faxed greeting cards, the user is shown charges for this service with a continue button displayed. Upon pressing the "continue" button, the program displays various greeting cards for selection, including, for example, "Happy Birthday", "Thank you", "Urgent Memo", "Congratulations", "Happy Anniversary", "Missing You" or "We did it ! " The user may also elect the additional card option. Upon selection of the card that the user would like to print out, instruction is given to remove the credit card. Upon successful completion of processing and acceptance of the credit card information, the document is printed and the user is prompted with a fax option. If the user selects "Yes, I want to fax the document", the display branches to "Send a fax". If the user elects "No, do not want to fax a document", a "finish service" option appears.

During the entire presentation of the software display sequence, the user has the option of electing one of the three main function buttons. The first of these three buttons, such as located on the bottom left hand side of the display, allows the terminal to be connected with a remote operator who provides additional information about a service or how to use the unit. A center function button allows the user to back up through the program. A right function button allows the user to cancel a transaction without further charges. The program also includes a time out function whereby if the screen is not touched for sixty seconds, another screen will appear with information that the unit has been inactive for sixty seconds and thirty seconds remain in which to press a "continue" button. If "continue" is selected, the program returns to the previous screen. If "continue" is not selected, the program makes a log of the transaction on the computer hard drive, does not print a receipt and returns to the a demonstration sequence on the display screen.

It is to be understood that while certain forms of this invention have been illustrated and described, the invention is not limited thereto, except insofar as such limitations are included in the following claims.

Claims

1. A public facsimile transmission device comprising:
   a) reader means for reading a credit card and enabling the functions of said device;
   b) a touch activated display screen for initiating and controlling functions of said device;
   c) flat bed scanner means for scanning a document to be copied and to be transmitted;
   d) modem means for transmitting a scanned document; and
   e) power and control means for operation of said reader means, screen, scanner means and modem means.

2. A public facsimile transmission device comprising:
   a) a housing unit;
   b) a credit card reader for enabling the functions of said transmission device;
   c) a flat bed scanner for scanning a document to be transmitted;
   d) a fax modem for transmitting a scanned document;
   e) a computer operably connected to said scanner and said fax modem for storing and transmitting an image to be transmitted;
   f) a printer for printing copies of incoming facsimile images;
   g) a touch activated computer display screen for initiating and controlling functions of said device; and
   h) an interface connection open to the exterior of said housing unit for connection of a user supplied computer with said computer in said housing unit.

3. A public facsimile transmission device comprising:
   a) a stand alone kiosk;
   b) a credit card reader open to an exterior of said kiosk for receiving and reading a use's credit card and enabling the functions of said transmission device;
   c) a touch activated computer display screen comprising a color monitor and control buttons

associated therewith for initiating and controlling functions of said device;
d) a scanner mounted in said kiosk for scanning a document to be transmitted, said scanner communicating with a scanner panel opening to the exterior of said kiosk;
e) a computer mounted within said kiosk and operably connected to said credit card reader, said display screen and said scanner to receive and store a scanned document;
f) a fax modem within said kiosk connected to said computer and operably connected to a telephone line for transmitting a scanned document;
g) a plain paper laser printer connected to said computer for printing copies of incoming and outgoing facsimile images; and
h) an interface connection open to the exterior of said kiosk for connection of a user supplied computer with said computer is said kiosk.

4. A public facsimile transmission and copy terminal comprising:
a) a housing unit;
b) a credit card reader for enabling the functions of said terminal;
c) a scanner for scanning a document to be transmitted;
d) a fax modem for transmitting a scamed document;
e) a computer operably connected to said scanner and said fax modem for storing and transmitting an image to be transmitted;
f) a printer for printing copies of incoming facsimile images; and
g) a touch activated computer monitor for initiating and controlling functions of said device.

5. The terminal set forth in claim 4, wherein:
a) said computer contains a programmable memory for receiving facsimile images.

6. The terminal set forth in claim 5 wherein:
a) said computer memory contains non-facsimile image documents for selection by a terminal user and print-out on said printer.

7. The terminal set forth in claim 4, 5 or 6, wherein:
a) said printer is a plain paper printer and prints incoming facsimile images on plain paper.

8. A public fax terminal and network comprising:
a) a housing unit;
b) a credit card reader enabling the functions of said terminal;
c) a scanner for scanning a document to be transmitted;
d) a fax and data modem for transmitting a scanned document;
e) a computer operably connected to said scanner and said fax and data modem for storing and transmitting an image to be transmitted;
f) a printer for printing copies of incoming fax images and for printing copies of documents from said scanner;
g) a touch activated overlay and monitor for touch initiating and controlling functions of said terminal;
h) said computer having a memory containing a selection of pre-stored documents for selection and use in said terminal; and
i) a remote computer accessible by said fax and data modem and having in its memory a selection of user services for said terminal.

9. A method of utilizing a public computer terminal comprising the steps of:
a) touching a touch sensitive screen of a computer monitor;
b) selecting from among an array of options one or more of the following:
i) faxing a document; or
ii) receiving a faxed document and accomplishing the selection; and
c) paying for the use of said public computer terminal by the presentation of a credit card to a credit card reader.

10. The method set forth in Claim 9 wherein said array of options includes:
a) copying a document supplied by the user of said terminal, retrieving a business form from the memory of said computer, and retrieving information from a remote central data bank networked with said public computer terminal.

Data bank is not Internet

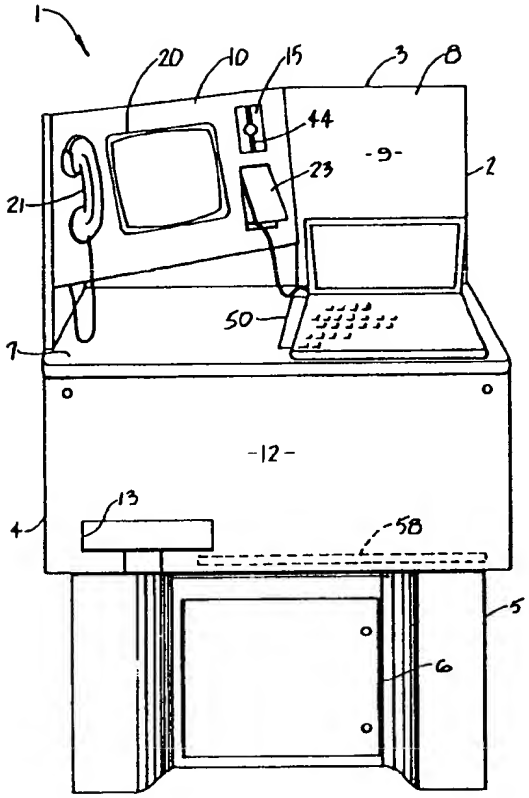


Fig. 1

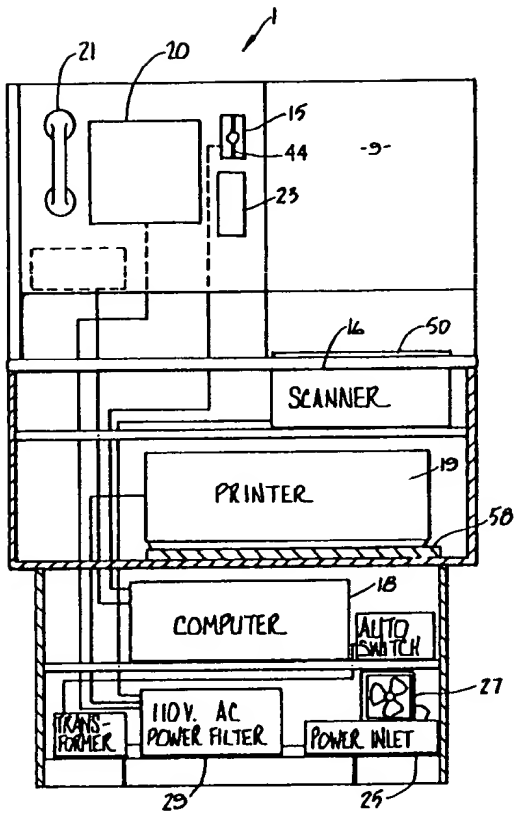
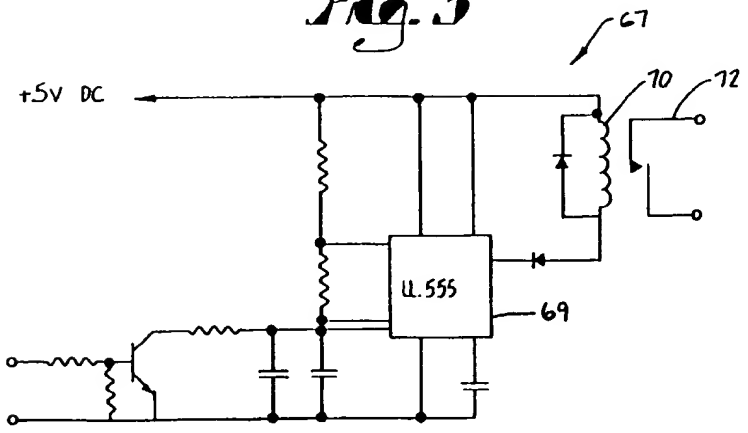


Fig. 2

Fig. 3



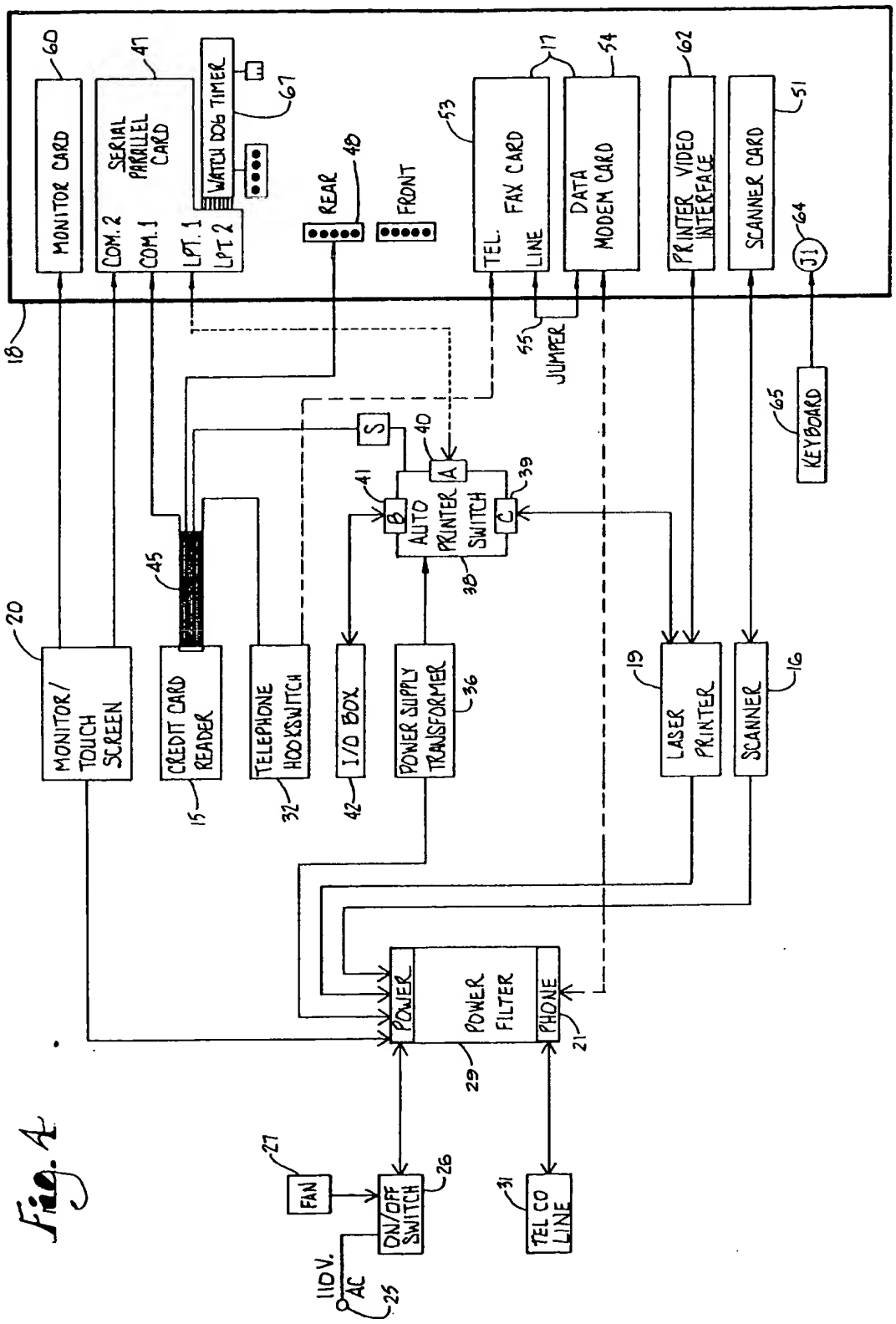

MONITOR CARD
SERIAL PARALLEL CARD
COM. 2
COM. 1
LPT. 1
LPT. 2
WATCH DOG TIMER
REAR
FRONT
TEL. FAX CARD
LINE
DATA MODEM CARD
PRINTER VIDEO INTERFACE
SCANNER CARD
JUMPER
KEYBOARD
MONITOR/ TOUCH SCREEN
CREDIT CARD READER
TELEPHONE HOOKSWITCH
I/O BOX
POWER SUPPLY TRANSFORMER
AUTO PRINTER SWITCH
LASER PRINTER
SCANNER
POWER
POWER FILTER
PHONE
FAN
ON/OFF SWITCH
110V. AC
TEL CO LINE

Fig. 4

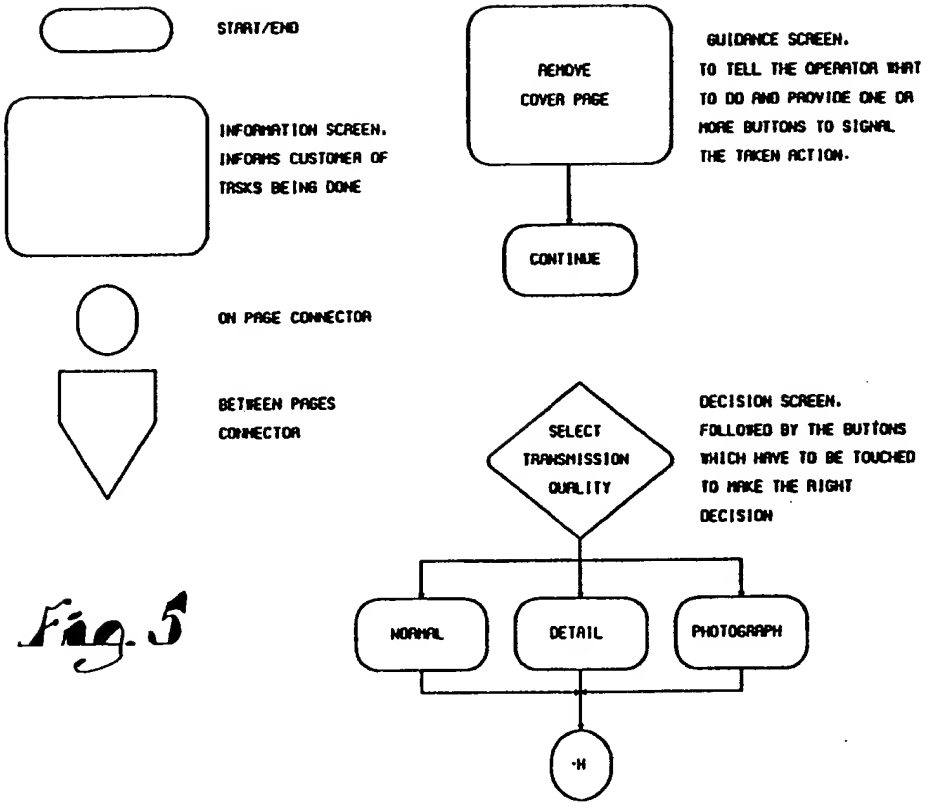

START/END
INFORMATION SCREEN.
INFORMS CUSTOMER OF
TASKS BEING DONE
ON PAGE CONNECTOR
BETWEEN PAGES
CONNECTOR
REMOVE
COVER PAGE
GUIDANCE SCREEN.
TO TELL THE OPERATOR WHAT
TO DO AND PROVIDE ONE OR
MORE BUTTONS TO SIGNAL
THE TAKEN ACTION.
CONTINUE
SELECT
TRANSMISSION
QUALITY
DECISION SCREEN.
FOLLOWED BY THE BUTTONS
WHICH HAVE TO BE TOUCHED
TO MAKE THE RIGHT
DECISION
NORMAL
DETAIL
PHOTOGRAPH
H

Fig. 5

Fig. 6

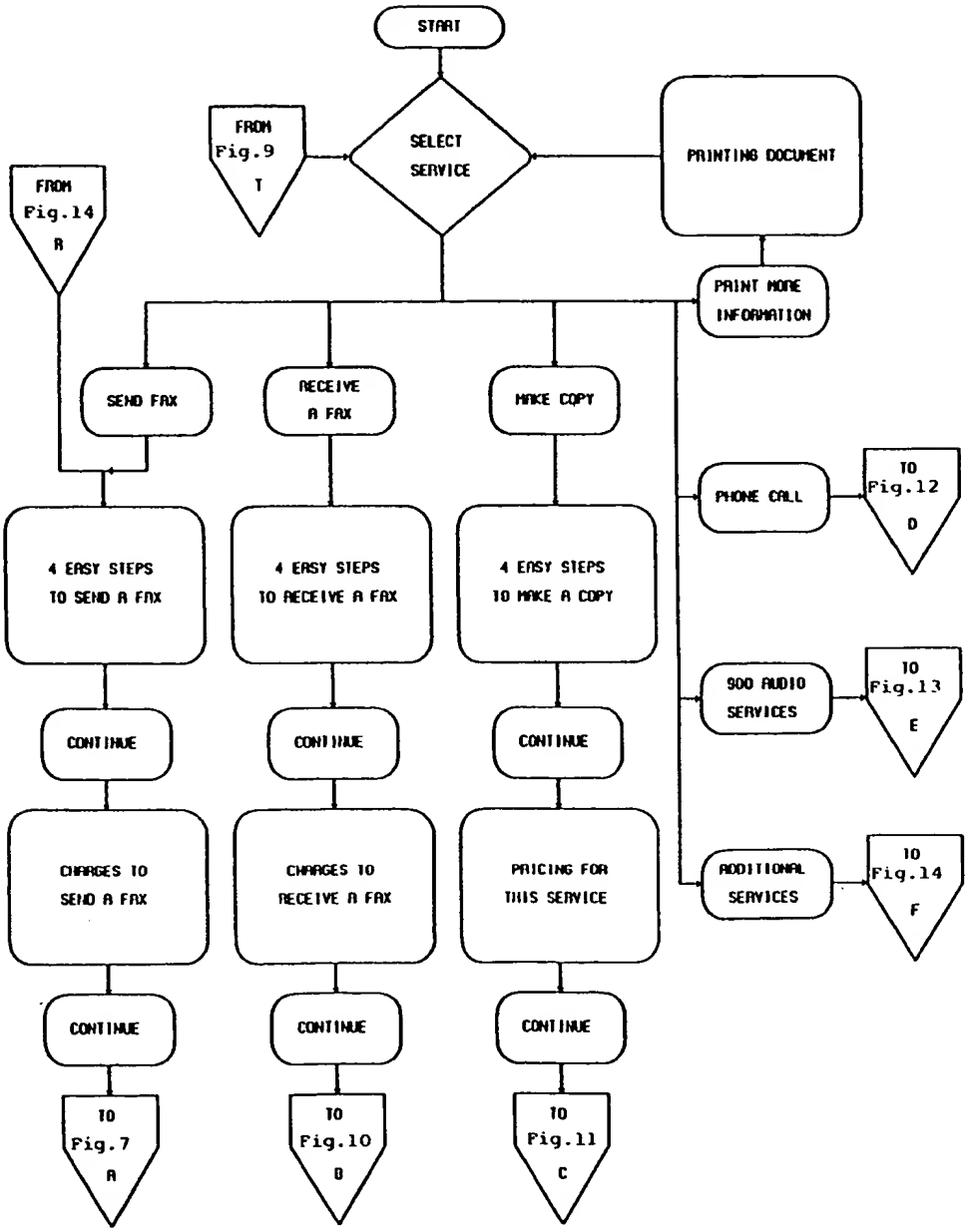

START
FROM Fig.9 T
SELECT SERVICE
PRINTING DOCUMENT
FROM Fig.14 R
PRINT MORE INFORMATION
SEND FAX
RECEIVE A FAX
MAKE COPY
PHONE CALL
TO Fig.12 D
4 EASY STEPS TO SEND A FAX
4 EASY STEPS TO RECEIVE A FAX
4 EASY STEPS TO MAKE A COPY
900 AUDIO SERVICES
TO Fig.13 E
CONTINUE
CONTINUE
CONTINUE
CHARGES TO SEND A FAX
CHARGES TO RECEIVE A FAX
PRICING FOR THIS SERVICE
ADDITIONAL SERVICES
TO Fig.14 F
CONTINUE
CONTINUE
CONTINUE
TO Fig.7 A
TO Fig.10 B
TO Fig.11 C

Fig. 7

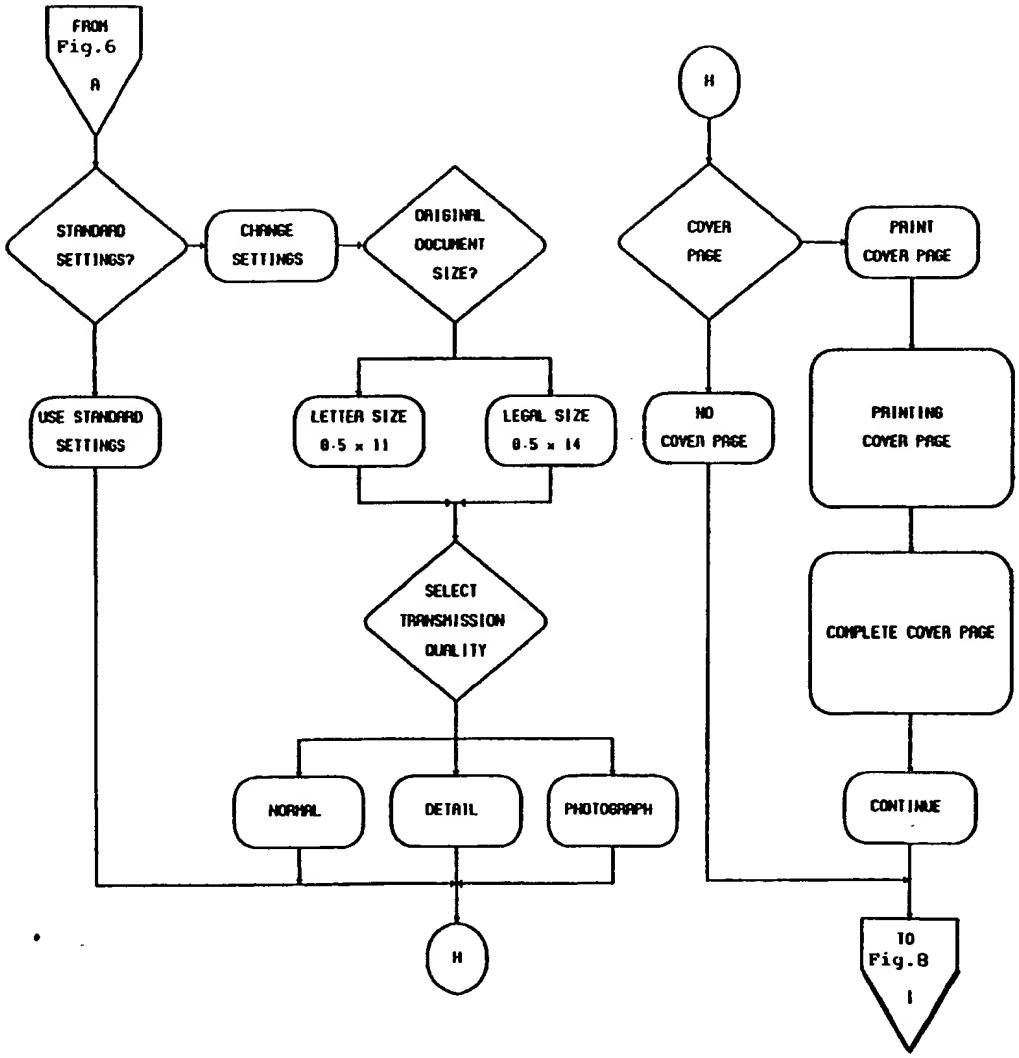

FROM Fig.6 A
STANDARD SETTINGS?
CHANGE SETTINGS
ORIGINAL DOCUMENT SIZE?
USE STANDARD SETTINGS
LETTER SIZE 8.5 x 11
LEGAL SIZE 8.5 x 14
SELECT TRANSMISSION QUALITY
NORMAL
DETAIL
PHOTOGRAPH
H
H
COVER PAGE
NO COVER PAGE
PRINT COVER PAGE
PRINTING COVER PAGE
COMPLETE COVER PAGE
CONTINUE
TO Fig.8 I

Fig.8

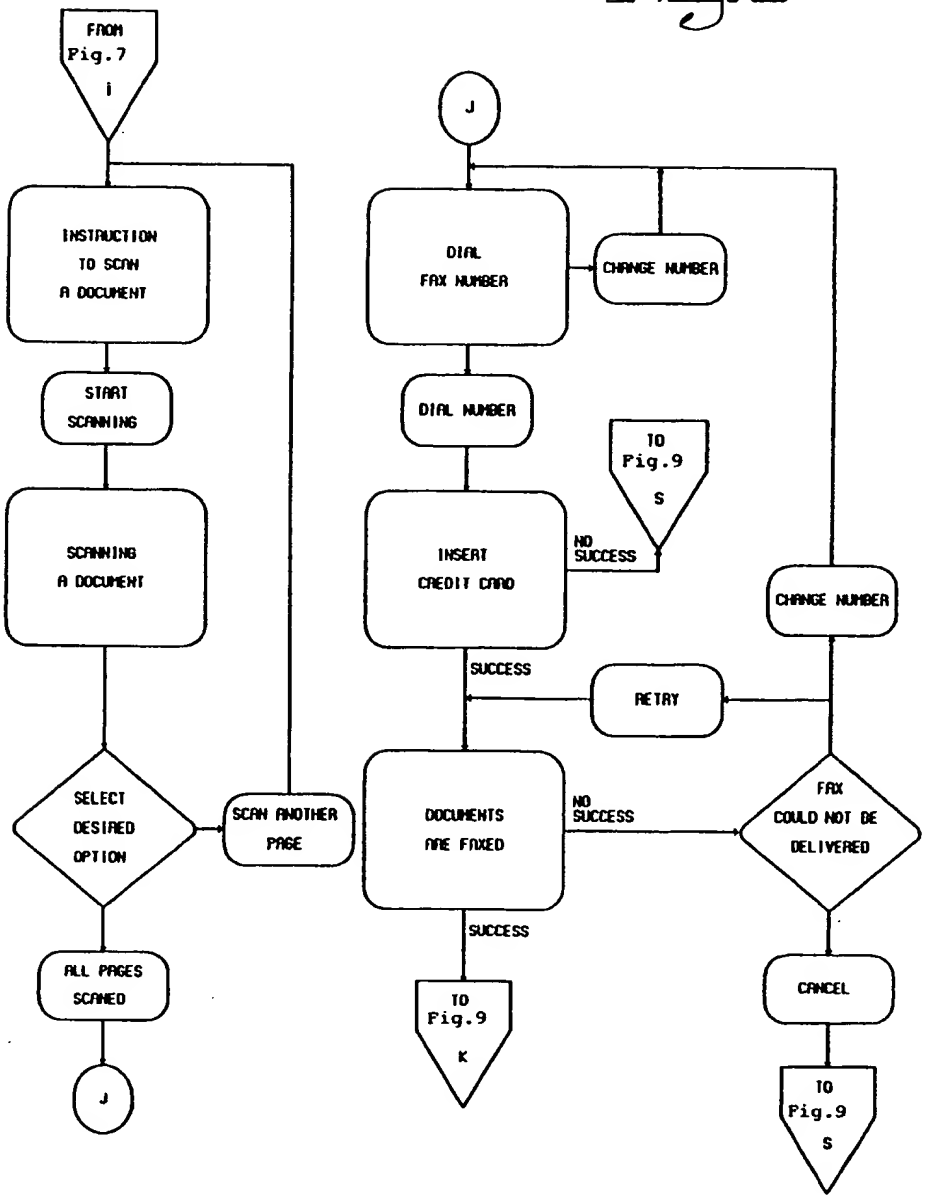

FROM Pig.7 I
INSTRUCTION TO SCAN A DOCUMENT
START SCANNING
SCANNING A DOCUMENT
SELECT DESIRED OPTION
SCAN ANOTHER PAGE
ALL PAGES SCANED
J
J
DIAL FAX NUMBER
CHANGE NUMBER
DIAL NUMBER
INSERT CREDIT CARD
TO Pig.9 S
NO SUCCESS
SUCCESS
RETRY
CHANGE NUMBER
DOCUMENTS ARE FAXED
NO SUCCESS
FAX COULD NOT BE DELIVERED
SUCCESS
TO Pig.9 K
CANCEL
TO Pig.9 S

Fig. 9

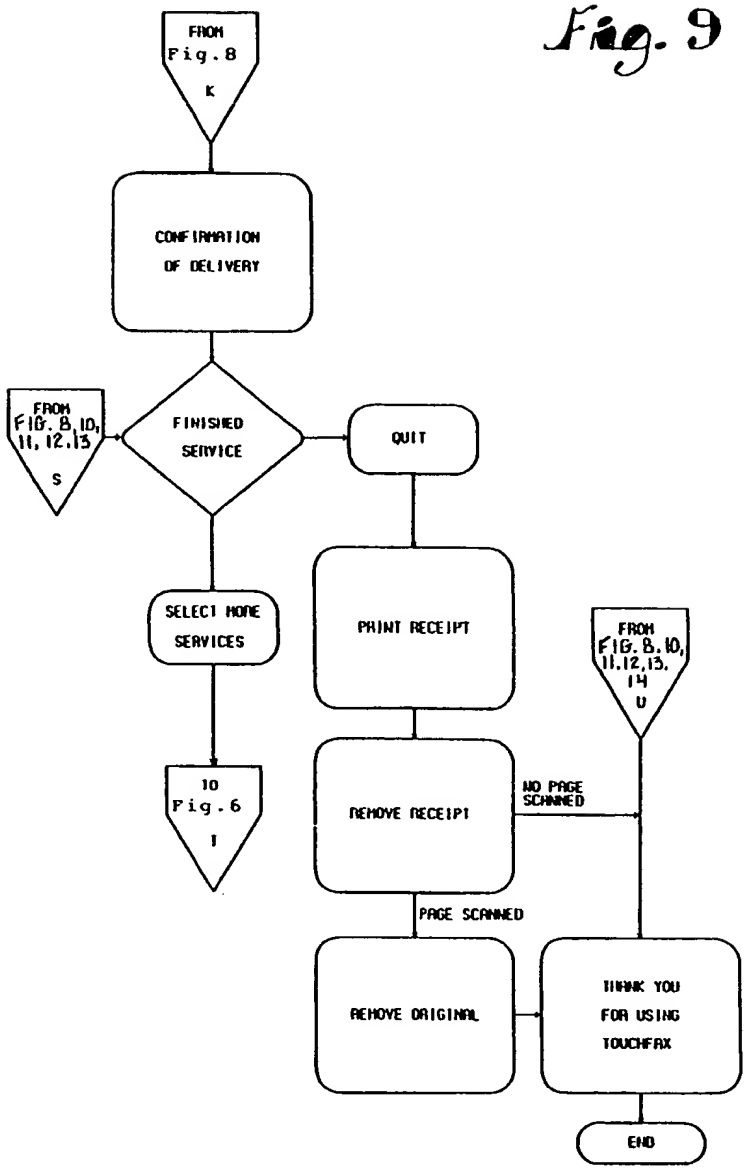

FROM Fig. 8 K
CONFIRMATION OF DELIVERY
FROM FIG. 8, 10, 11, 12, 13 S
FINISHED SERVICE
QUIT
SELECT MORE SERVICES
PRINT RECEIPT
FROM FIG. 8, 10, 11, 12, 13, 14 U
TO Fig. 6 T
REMOVE RECEIPT
NO PAGE SCANNED
PAGE SCANNED
REMOVE ORIGINAL
THANK YOU FOR USING TOUCHFAX
END

Fig. 10

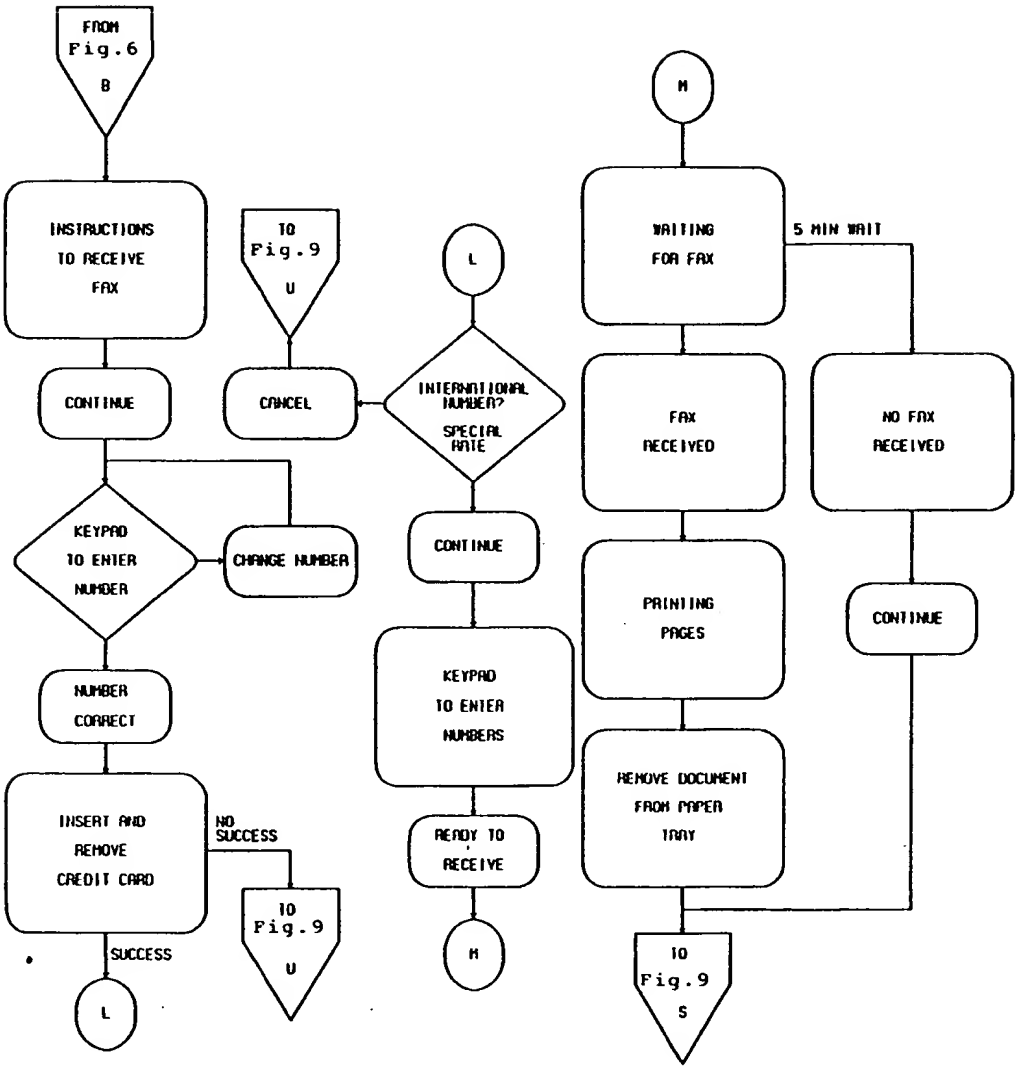

FROM Fig.6 B
INSTRUCTIONS TO RECEIVE FAX
CONTINUE
KEYPAD TO ENTER NUMBER
CHANGE NUMBER
NUMBER CORRECT
INSERT AND REMOVE CREDIT CARD
NO SUCCESS
SUCCESS
L
TO Fig.9 U
TO Fig.9 U
CANCEL
L
INTERNATIONAL NUMBER? SPECIAL RATE
CONTINUE
KEYPAD TO ENTER NUMBERS
READY TO RECEIVE
M
M
WAITING FOR FAX
5 MIN WAIT
FAX RECEIVED
NO FAX RECEIVED
PRINTING PAGES
CONTINUE
REMOVE DOCUMENT FROM PAPER TRAY
TO Fig.9 S

Fig.11

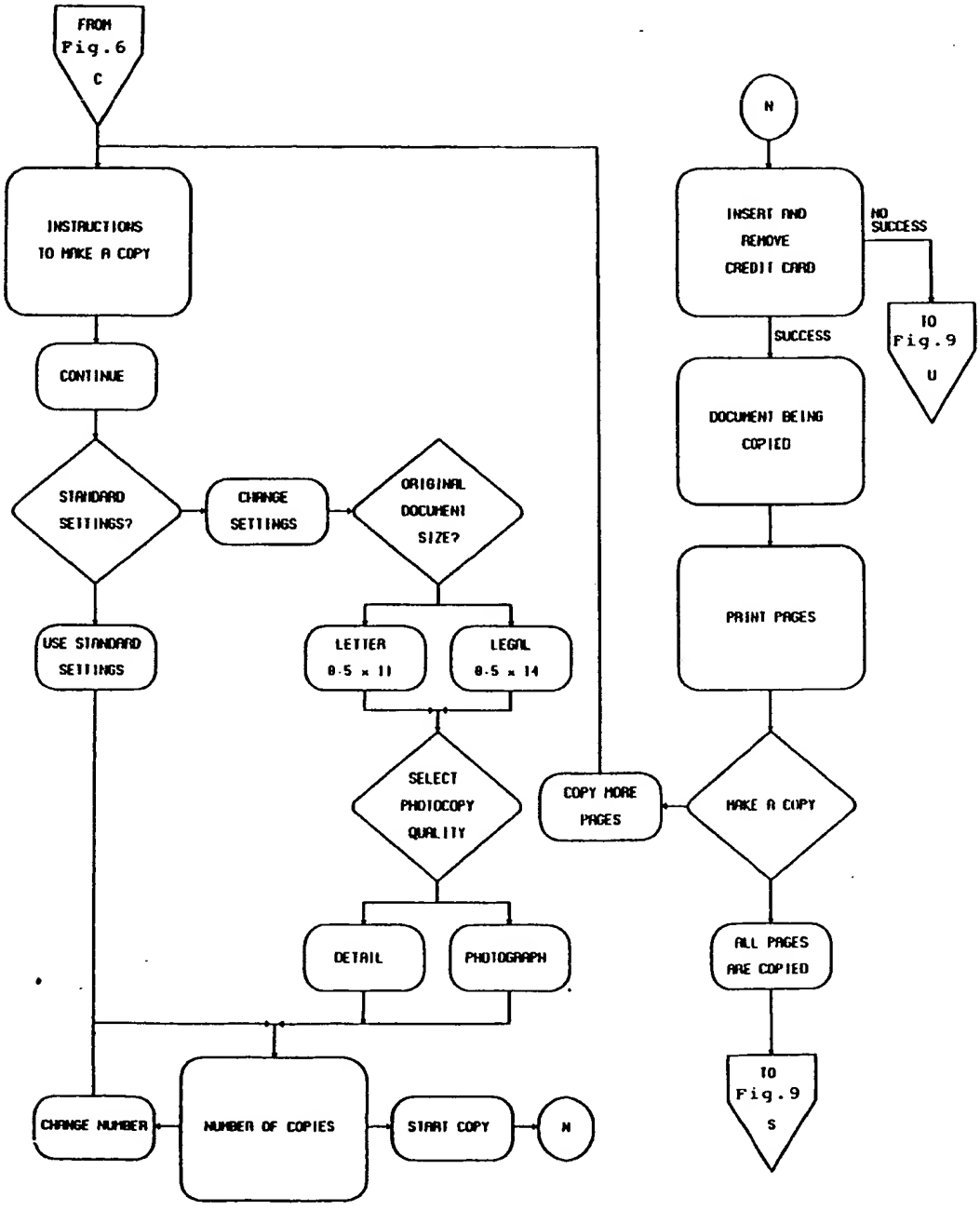

FROM Fig.6 C
INSTRUCTIONS TO MAKE A COPY
CONTINUE
STANDARD SETTINGS?
CHANGE SETTINGS
ORIGINAL DOCUMENT SIZE?
USE STANDARD SETTINGS
LETTER 8.5 x 11
LEGAL 8.5 x 14
SELECT PHOTOCOPY QUALITY
DETAIL
PHOTOGRAPH
CHANGE NUMBER
NUMBER OF COPIES
START COPY
M
N
INSERT AND REMOVE CREDIT CARD
NO SUCCESS
TO Fig.9 U
SUCCESS
DOCUMENT BEING COPIED
PRINT PAGES
MAKE A COPY
COPY MORE PAGES
ALL PAGES ARE COPIED
TO Fig.9 S

Fig. 12

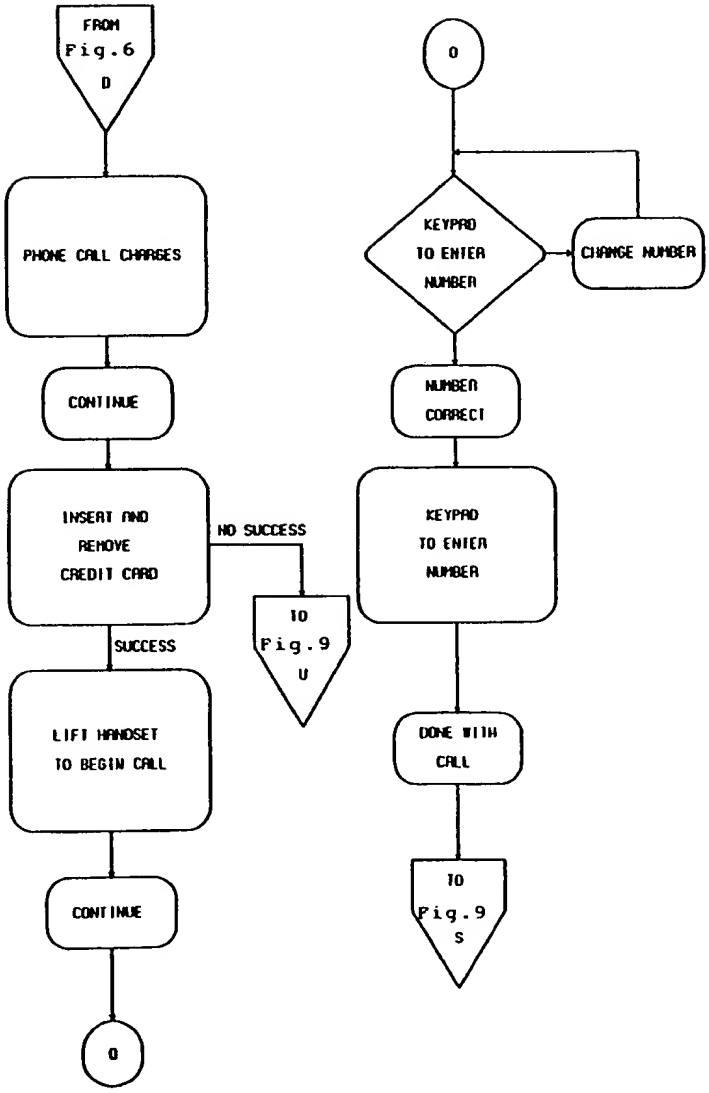

FROM Fig.6 D
PHONE CALL CHARGES
CONTINUE
INSERT AND REMOVE CREDIT CARD
NO SUCCESS
TO Fig.9 U
SUCCESS
LIFT HANDSET TO BEGIN CALL
CONTINUE
Q
Q
KEYPAD TO ENTER NUMBER
CHANGE NUMBER
NUMBER CORRECT
KEYPAD TO ENTER NUMBER
DONE WITH CALL
TO Fig.9 S

Fig. 13

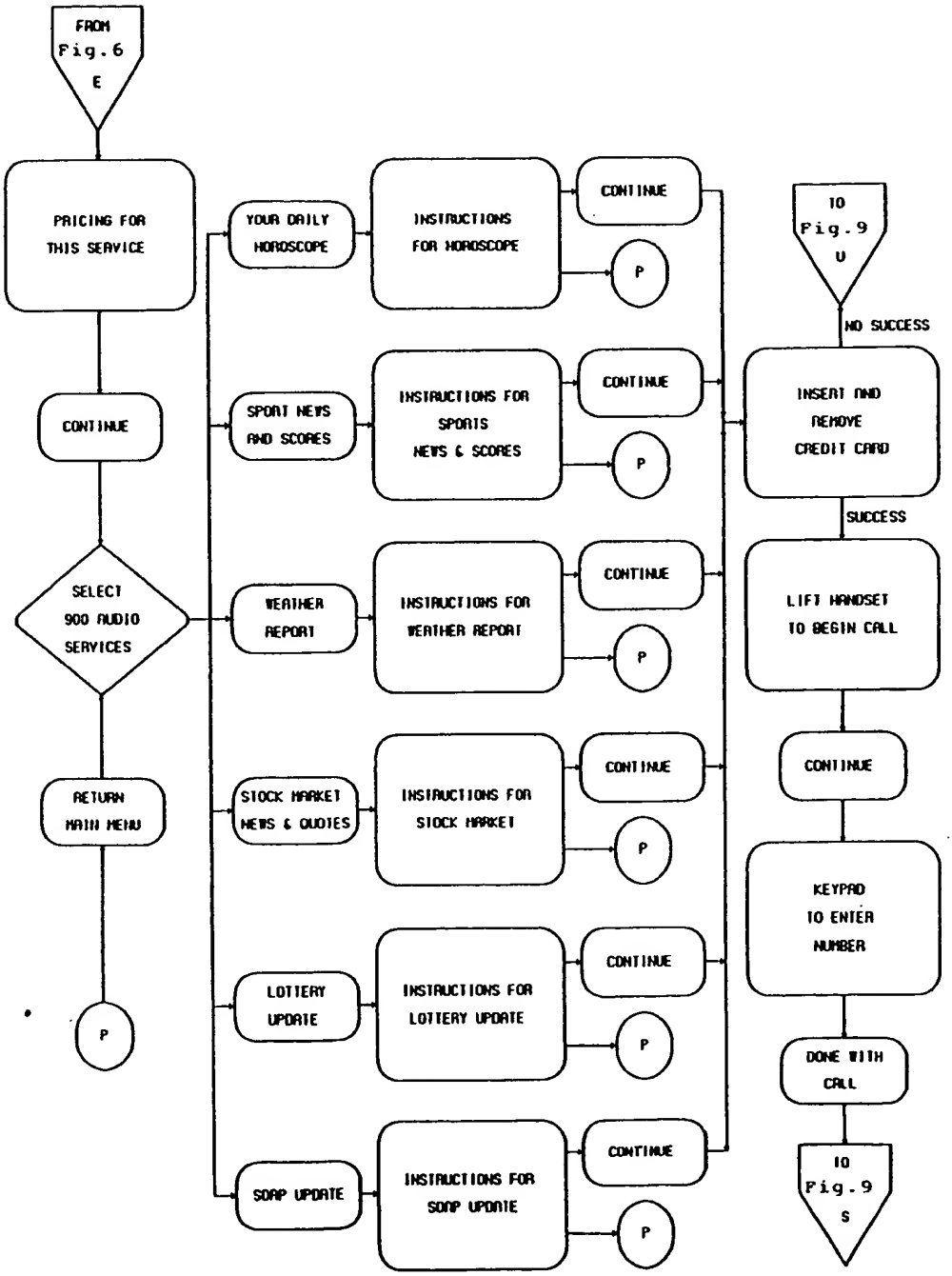
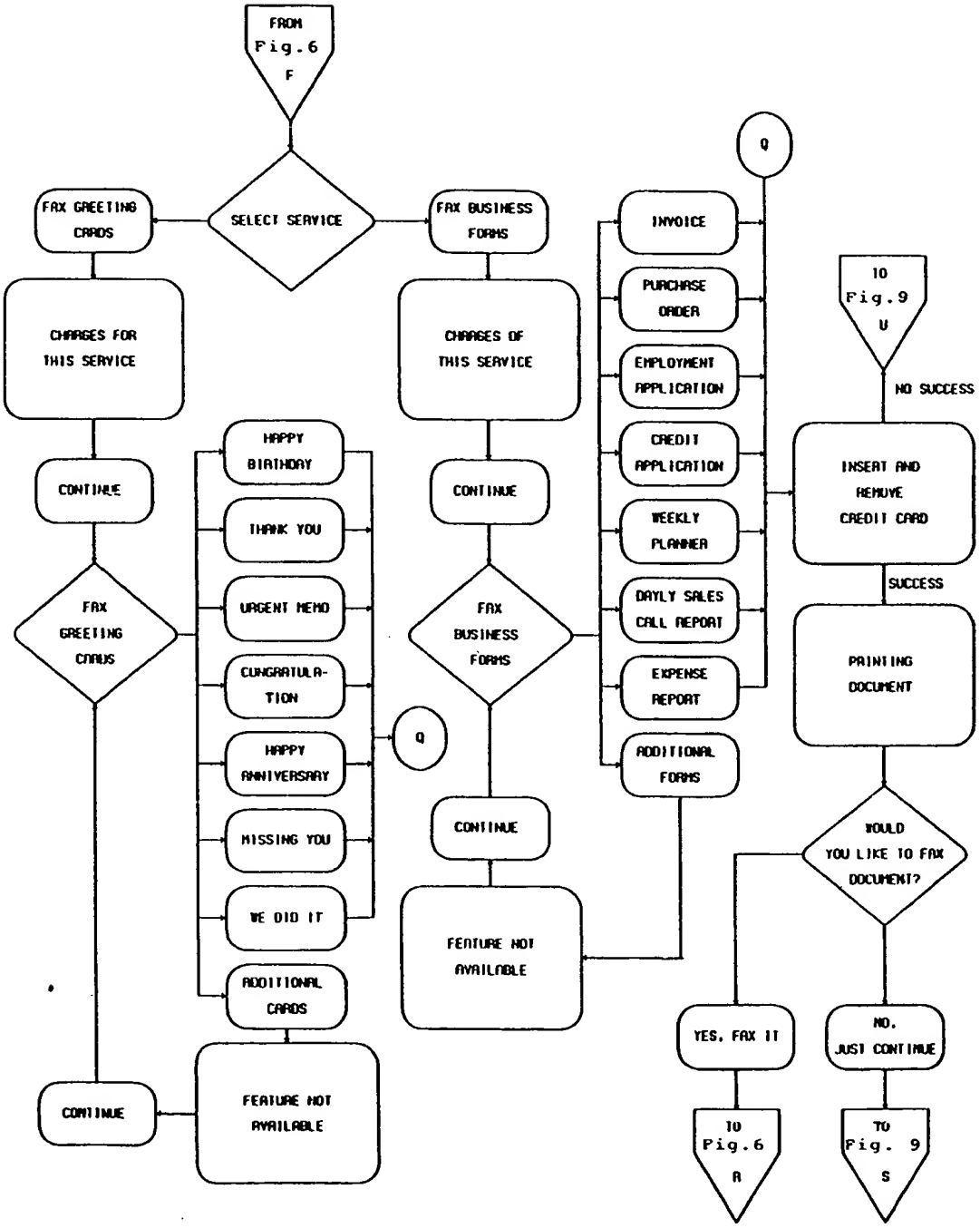

FROM Fig. 6 E
PRICING FOR THIS SERVICE
CONTINUE
SELECT 900 AUDIO SERVICES
RETURN MAIN MENU
P
YOUR DAILY HOROSCOPE
INSTRUCTIONS FOR HOROSCOPE
CONTINUE
P
SPORT NEWS AND SCORES
INSTRUCTIONS FOR SPORTS NEWS & SCORES
CONTINUE
P
WEATHER REPORT
INSTRUCTIONS FOR WEATHER REPORT
CONTINUE
P
STOCK MARKET NEWS & QUOTES
INSTRUCTIONS FOR STOCK MARKET
CONTINUE
P
LOTTERY UPDATE
INSTRUCTIONS FOR LOTTERY UPDATE
CONTINUE
P
SOAP UPDATE
INSTRUCTIONS FOR SOAP UPDATE
CONTINUE
P
TO Fig. 9 U
NO SUCCESS
INSERT AND REMOVE CREDIT CARD
SUCCESS
LIFT HANDSET TO BEGIN CALL
CONTINUE
KEYPAD TO ENTER NUMBER
DONE WITH CALL
TO Fig. 9 S

Fig. 14


FROM Fig.6 F
SELECT SERVICE
FAX GREETING CARDS
FAX BUSINESS FORMS
CHARGES FOR THIS SERVICE
CHARGES OF THIS SERVICE
CONTINUE
CONTINUE
FAX GREETING CARDS
FAX BUSINESS FORMS
HAPPY BIRTHDAY
THANK YOU
URGENT MEMO
CONGRATULA-TION
HAPPY ANNIVERSARY
MISSING YOU
WE DID IT
ADDITIONAL CARDS
Q
CONTINUE
FEATURE NOT AVAILABLE
FEATURE NOT AVAILABLE
Q
INVOICE
PURCHASE ORDER
EMPLOYMENT APPLICATION
CREDIT APPLICATION
WEEKLY PLANNER
DAYLY SALES CALL REPORT
EXPENSE REPORT
ADDITIONAL FORMS
TO Fig.9 U
NO SUCCESS
INSERT AND REMOVE CREDIT CARD
SUCCESS
PRINTING DOCUMENT
WOULD YOU LIKE TO FAX DOCUMENT?
YES, FAX IT
NO, JUST CONTINUE
TO Fig.6 R
TO Fig. 9 S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of:
RICHARD P. METTKE

Serial No.: 09/134,831

Filed: August 17, 1998

Title: ON-LINE COMMUNICATION TERMINAL/APPARATUS

ATTENTION:
Gerald Goldberg
Art Unit: 2700

PROTEST UNDER 37 C.F.R. § 1.291(a)

G. Franklin Rothwell, Reg. #18,125
Rothwell, Figg, Ernst & Kurz
Suite 701 East Tower
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 783-6040
Facsimile: (202) 783-6031

Appendix G

TABLE OF CONTENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of:
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ATTENTION:
Gerald Goldberg
Art Unit: 2700

Hon. Commissioner of Patents
and Trademarks
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

PROTEST UNDER 37 C.F.R. § 1.291(a)

This Protest under 37 C.F.R. § 1.291(a) is filed in Reissue Application Serial Number 09/134,831 by North Communications, Inc. of Marina Del Rey, California 90292-7090, (referred to hereinafter as "Protestor").

SUMMARY OF GROUNDS FOR PROTEST

Protestor, as its basis for this Protest, states that the attached Exhibits demonstrate:

1. The subject matter claimed in the reissue application was anticipated and/or rendered obvious by prior art, as demonstrated by the documents attached hereto.

2. Both the original and new claims set forth in the reissue application are prohibited by statute as containing new matter and are therefore not patentable.

LISTING OF PATENTS, PUBLICATIONS OR OTHER INFORMATION RELIED UPON

A copy of each below-listed item relied upon is attached hereto as required under 37 C.F.R. § 1.291 and listed on attached PTO Form 1449.

Exhibit A

U.S. Postal Service, The Government Connection kiosk system.

Exhibit A, 1

Kiplinger Washington Letter;

News item discussing U.S. Postal service plans for kiosks in Post Offices;

June 17, 1994.

Exhibit A, 2

U.S. Postal Service Bid Solicitation (DRAFT);

Form 102590-94-A-0011;

Dated July 8, 1994.

Exhibit A, 3

U.S. Postal Service brochure;

Service to the Citizen Kiosk Report;

July 1994.

Exhibit A, 4

Government Computer News;

"USPS releases prototype specs for universal information kiosks";

Published August 8, 1994.

Exhibit A, 5

U.S. Postal Service Press Release;

"Service to the Citizen Kiosk Pilot Program";

Published October 20, 1994.

Exhibit A, 6

U.S. Postal Service;

"Transaction & Service Manager--Kiosk Station Design & Fabrication--Multi-media Design & Production";

Published November 7, 1994.

Exhibit A, 7

U.S. Postal Service;

(Attachment to Exhibit A, 6);

Contacts list (part of bid solicitation above);

Published November 7, 1994.

Exhibit A, 8

U.S. Postal Service Bid Solicitation;

Form 102590-94-A-001;

Issue date: November 14, 1994.

Exhibit A, 9

Multimedia Monitor;

The Government Connection;

News item describing USPS announcement of Bid Solicitation for kiosk network;

December 1994.

Exhibit B

U.S. Patent No. 5,265,033 to Vajk et al.;

"ATM/POS Based Electronic Mail System";

Filed September 23, 1991;

Issued November 23, 1993.

Exhibit C

News items concerning the Auto Clerk kiosk system.

Exhibit C, 1

Grunion Gazette newspaper;

"Pay Legal Fines by Computer in L.B.";

Published February 6, 1992.

Exhibit C, 2

American City & County, a publication of Communication Channels, Inc.;

"Your Honor, I Plead Guilty, Conveniently";

Published March 1992.

Exhibit C, 3

Government Technology, Volume 5, Number 3;

"Paying Fines by Kiosk";

Published March 1992.

Exhibit C, 4

San Francisco Chronicle;

"The Electronic Traffic Court";

Published January 8, 1992.

Exhibit D

News items concerning the Info/California kiosk system.

Exhibit D, 1

The Economist;

"Electronic democracy: The Pen is mighty";

Published February 1, 1992.

Exhibit D, 2

Information Technology;

"Counties Urged to Join Information Network: Info/California Expands Statewide";

Published May/June 1994.

Exhibit E

News item concerning the "That's the Ticket" kiosk system.

Exhibit E, 1

Twins Magazine;

"Tickets By Touch";

Published June 1993.

Exhibit E, 2

The Forum;

"Twins fans can add tickets to shopping list";

Published May 25, 1993.

Exhibit E, 3

Minnesota Twins News Release;

"1994 Twins Tickets Now Available at 'That's The Ticket' Kiosks";

February 2, 1994.

Exhibit F

North Communications Sole-Source Procurement Information;

Published 1994.

Exhibit G

Australian news items concerning the Info Brisbane kiosk system.

Exhibit G, 1

Southern Star;

"Touching Move";

Published January 26, 1994.

Exhibit G, 2

Westside News;

"Ratepayers Enter the Computer Age";

Published January 26, 1994.

Exhibit H

News item concerning the Info/Texas kiosk system.

Exhibit H, 1

Government Technology;

"Texas Kiosks At Your Service";

Published May 1994.

Exhibit H, 2

The Dallas Morning News;

"Add job-hunting to shopping list at supermarket";

Published February 16, 1994.

Exhibit H, 3

Midland Reporter Telegram

"Governor touts new video-employment information program";

Published February 17, 1994.

Exhibit I

Paper by Rawn Shah;

"Suggestions for Information Kiosk Systems using the World Wide Web";

Article available on the Internet at http://www.rtd.com/people/rawn/kiosk-paper.html;

Published April 30, 1994.

Exhibit J

Exhibit J, 1

Request for Proposals: Arizona Court Information System, RFP 94-1;

Preliminaries to the Quick Court kiosk system;

Published May 2, 1994.

Exhibit J, 2

Response to Arizona RFP 94-1;

"Proposal to implement a statewide multimedia kiosk network for the Arizona Court System";

Preliminaries to the Quick Court kiosk system;

Published June 30, 1994.

Exhibit K

Exhibit K, 1

Letter from David C. Loy of Discover America to North Communications;

Dated July 15, 1994.

Exhibit K, 2

Discover America InfoCenter Program;

Published on or before July 15, 1994, and included with the letter of Exhibit K, 1 above.

Exhibit L

Cookware information statement from Cookware website;

"About our work with the US Postal Service";

1994. Invoices from Cookware to U.S. Postal Service are attached as well.

Exhibit M

Los Alamos National Laboratory;

"Kiosks: A Technological Overview";

January 10, 1995.

CONCISE EXPLANATION OF THE RELEVANCE OF EACH LISTED ITEM

Exhibit A

U.S. Postal Service, The Government Connection kiosk system;

Exhibit A, 1

Kiplinger Washington Letter;

News item discussing U.S. Postal Service plans for kiosks in Post Offices;

June 17, 1994.

Exhibit A, 1 discusses the placement of electronic kiosks in the lobbies of Post Offices so that people without computers can send E-mail or access government data banks for job openings or other information. Payment of bills via kiosk is included.

Exhibit A, 2

U.S. Postal Service Bid Solicitation (DRAFT);

Form 102590-94-A-0011;

Dated July 8, 1994.

Exhibit A, 2 is a draft of the Bid Solicitation document no. 102590-94-A-0011. Exhibit A, 2 outlines the technical requirements for a kiosk system to be developed for the Government Connection project.

Exhibit A, 3

U.S. Postal Service brochure;

Service to the Citizen Kiosk Report;

July 1994.

Exhibit A, 3 discusses a report being developed concerning electronic dissemination of information, and specifically mentions a kiosk platform. The Postal Service is given as the governmental branch that will feature the kiosk system. A kiosk is described as having a box (enclosure), touch screen (input and display), computer engine (processor), and telecommunications devices. The kiosks connect people with a wide array of federal, state, local and tribal information and services. A form of payment such as a credit card reader is contemplated, and the brochure touts "one stop shopping." Internetwork access of other computers is also contemplated due to access to "several government agencies across legislative boundaries." Various public access locations for kiosk are listed, such as post offices, grocery stores, libraries, and shopping malls.

Exhibit A, 4

Government Computer News;

"USPS releases prototype specs for universal information kiosks";

Published August 8, 1994.

Exhibit A, 4 is a widely disseminated publication which discusses the Government Connection kiosk system, including hardware configuration, and Internet connectivity. Exhibit A, 4 discloses a:

processor,

communications subsystem including a modem and supporting a TCP/IP protocol with

FTP capabilities,

touch/display screen,

readers for debit cards and smart cards,

printer, and

software.

Exhibit A, 5

U.S. Postal Service Press Release;

"Service to the Citizen Kiosk Pilot Program";

Published October 20, 1994.

Exhibit A, 5 describes a kiosk pilot program placing information kiosks in participating government agencies and in highly visible sites. Exhibit A, 5 states that the kiosk delivering these services will be networking government service information through the Internet and other value added networks. Exhibit A, 5 further states that the "public's reaction . . . and willingness to pay for convenience" are strategic factors in evaluating future extension of the program. This suggests a pay-for-use mechanism to the public.

Exhibit A, 6 (incorporated into Exhibit A, 8 and issued therewith)

U.S. Postal Service;

"Transaction & Service Manager--Kiosk Station Design & Fabrication--Multi-media Design & Production";

Published November 7, 1994.

Exhibit A, 6, page 1 lists the transactions available on the Government Connection kiosk system, including:

searching and applying for jobs,

filling out applications for licenses and benefits,

ordering and paying for documents and products,

electronic benefit distribution,

requests for specific personal information, and

general governmental service information.

Exhibit A, 6, page 4 discloses a network connecting the kiosk stations to each other and to a transaction and service center.

Exhibit A, 6, page 15 states that a kiosk "shall be capable of conducting on-line transactions with agency 'services' or host computers connected via both local and wide-area networks." Page 15 also describes the desired kiosk system as being able to communicate with a Transaction and Service Manager which will in turn be able to route communications to an "appropriate government agency or other network, such as a bank card network."

Exhibit A, 6, pages 15 and 16 disclose a smart card and bank card capability for payment.

Exhibit A, 6, page 17 states that each kiosk be capable of communicating with agency databases "which are also connected to the kiosk system network via Internet." This is an explicit disclosure of a means for accessing the Internet and allowing user interaction as set forth in Mettke's new apparatus claim 6.

Exhibit A, 6, page 23, discloses a desired "Mosaic-like" development environment, to be employed for an Internet connection (Mosaic is an Internet browser).

Exhibit A, 6, page 31, Figure 1 shows a grid illustrating the connection of the kiosk system to other government agency computers and computer systems.

Exhibit A, 6, page 32 discloses on-line purchase and payment for services via a bank card.

Exhibit A, 6, page 33 discusses on-line forms and information accessible through the kiosk system.

Exhibit A, 6, pages 36-37 describes the provision of services as a result of payment by a bank card. Specific contemplated services are listed.

Exhibit A, 6, pages 40 and 41 disclose a Transaction and Service manager that can, among other things, manage charges to agencies and service providers, perform billing, and maintain many different "charge" models and the data required to support these charges.

Exhibit A, 6, page 44, discloses required communication characteristics, such as use of the TCP/IP Internet communications protocol, Internet Protocol (IP), Internet Control Message Protocol (ICMP), TELNET protocol, Simple Network Management Protocol (SNMP), Internet Simple Mail Transfer Protocol (SMTP), and File Transfer Protocol (FTP).

Exhibit A, 6, page 45 states that the Transaction and Service Manager must provide access to the kiosk information system via an Internet connection.

Exhibit A, 7 (incorporated into Exhibit A, 8 and issued therewith)

U.S. Postal Service;

(Attachment to Exhibit A, 6);

Contacts list (part of bid solicitation);

Published November 7, 1994.

Exhibit A, 7, lists 113 named individuals, representing over 100 different companies, who were mailed the Bid Solicitation upon its initial issuance. Exhibit A, 7 demonstrates a broad publication of Exhibit A, 8 and Exhibit A, 6 into the public domain.

Exhibit A, 8

U.S. Postal Service Bid Solicitation;

Form 102590-94-A-001;

Issue date: November 14, 1994.

Exhibit A, 8, requests bids for a kiosk system capable of conducting customer inquiries against Postal Service databases located on host systems, which are also connected to the kiosk system network via the Internet. Exhibits A, 6 and A, 7 were attachments to Exhibit A, 8 and published therewith.

Exhibit A, 8, page 23 lists equipment and software to be manufactured for a kiosk of the kiosk system, including:

enclosure,

processor and processor support electronics,

touch/display screen (display and keyboard),

bank card reader,

smart card reader,

printer,

communications subsystem including modem, TCP/IP protocol, appropriate interface (i.e., phone line, computer network line), etc.,

keyboard,

application/presentation software, and

utility software.

The Mettke patent, by comparison, has identical elements, including a processor, telephone line, internal modem, display, keyboard, credit card reader, software, and a means for accessing commercial on-line services (e.g., dial out capability through the modem and the telephone line).

Exhibit A, 8, page 64 discloses a network support requirement of kiosk system access via the Internet.

The above specifications included in the bid solicitation document include all of the elements of the Mettke patent, including access to on-line services and pay-for-use charge models. They also disclose Internet access as set forth in Mettke's proposed new claim 6.

Exhibit A, 9

Multimedia Monitor;

The Government Connection;

News item describing U.S. Postal Service announcement of Bid Solicitation for a kiosk network;

December 1994.

Exhibit A, 9 describes the Bid Solicitation document issued by the U.S. Postal Service on November 7, 1994. The news item lists many of the kiosk system requirements as given in the Bid Solicitation (see Exhibit A, 8).

Exhibit B

U.S. Patent No. 5,265,033 to Vajk et al.;

"ATM/POS Based Electronic Mail System";

Filed September 23, 1991;

Issued November 23, 1993.

Exhibit B adapts existing ATM/POS systems to permit users to send and receive electronic mail. Specifically, Exhibit B at col. 2, lines 6-15 provides an electronic mail system by which users can easily authorize, generate and send computer messages and responses.

Exhibit B, at col. 2, lines 18-23, discloses that the system used a debit card, a credit card or other machine readable personal identification card in conjunction with a PIN/password to regulate access. The system employs unique peripherals in conjunction with parts of existing communications networks and devices. The system uses existing networks of ATM and POS terminals together with the national and regional clearing house networks or transaction switches

that interconnect the various ATM and POS systems to provide wide public access to electronic mail services. The system of Vajk et al. includes a screen, keyboard, processor and associated software, printer, modem, communications means such as a telephone line or computer network, and a credit card reader as in the Mettke patent.

Exhibit B, at col. 7, lines 61-69, teaches an additional feature for individuals who themselves are not users of the system. This is the ability to capture charge information instead of the normal E-Mail system charges used for those with E-Mail service access. This charge capture capability is a necessary part of providing easy service bureau access to the electronic mail system. This is a pay-as-you-go access capability.

Exhibit B, col. 23, lines 28-36 teaches that after approval of a user to use the system, the message service control function handles all further control relationships with the appropriate institution processor and the store and forward message switch. The appropriate debit or credit to the user's account is the only further transaction required between the clearing house network processor and the user's financial institution processor.

Exhibit B, col. 32, lines 38-44, teaches that to provide the functions of the electronic mail system, an institution having a processor might place terminals in various public and private facilities such as airport or bus terminals, malls, financial institutions, retail merchants, hotels or such similar public and private locations.

Exhibit C

Auto Clerk kiosk system;

Exhibit C, 1: Grunion Gazette newspaper, February 6, 1992;

Exhibit C, 2: American City & County, March 1992;

Exhibit C, 3: Government Technology, Volume 5, Number 3, March 1992;

Exhibit C, 4: San Francisco Chronicle, January 8, 1992;

Exhibit C discloses an Auto Clerk kiosk system, having kiosks connected to a central governmental data processing center for accessing information and for paying for services. Kiosks feature a processor and associated software, touch screen, printer, credit card reader, and an on-line communications link to a central computer and to a clearing house network processor.

Exhibit D

Info/California kiosk system;

Exhibit D, 1: The Economist, February 1, 1992;

Exhibit D, 2: Information Technology, May/June 1994;

Exhibit D discloses kiosks that are connected to a state databank, and allow users to order birth certificates, renew vehicle registrations via credit card, view information, etc. Kiosks feature a processor and associated software, push-button video screen, printer, credit card reader, and an on-line communications link to a central computer and to a clearing house network processor.

Exhibit E

"That's the Ticket" kiosk system for selling baseball tickets;

Exhibit E, 1: Twins Magazine, June 1993;

Exhibit E, 2: The Forum, May 25, 1993;

Exhibits E, 1 and E, 2 disclose a kiosk linked to "the Twin's main ticket office." Buyers can use a credit card to purchase baseball tickets and pay a surcharge for each ticket purchased. The user cannot gain access to seat availability information without first inserting a credit card. Kiosks feature a processor and associated software, touch screen, printer, ticket printer, credit card reader, and an on-line communications link to a central computer and to a clearing house network processor.

Exhibit E, 3: Minnesota Twins News Release, February 2, 1994.

Exhibit E, 3 discloses that in order to access the kiosk ticket system, users must pay a 15% service charge comparable to charges assessed through the Twins Ticket Lines.

Exhibit F

North Communications Sole-Source Procurement Information;

Published 1994.

Exhibit F discloses numerous kiosk systems accessible to the public. The kiosks commonly allow access to a computer network, and accept credit card payment for paying fines, buying tickets, registration of vehicles, etc. Exhibit F includes Multimedia Engine™, a proprietary software engine that includes host communications, network management, and built-in modules to communicate and settle financial accounts with major credit and debit card networks.

Exhibit G

Info Brisbane kiosk system;

Exhibit G, 1: Southern Star, January 26, 1994;

Exhibit G, 2: North-West News, January 26, 1994;

Exhibit G discloses a kiosk for conducting credit card and other financial transactions. Kiosks feature a processor and associated software, touch screen, printer, credit card reader, and a communications link to a central computer and to a clearing house network processor.

Exhibit H

Info/Texas kiosk system;

Exhibit H, 1: Government Technology, May 1994;

Exhibit H, 2: The Dallas Morning News, February 16, 1994;

Exhibit H, 3: Midland Reporter Telegram, February 17, 1994;

Exhibit H discloses a kiosk system that is similar to the Info/California system, except that the State of Texas doesn't own the kiosks, North Communications does, and Texas pays a charge to North for each transaction. This is a pay-as-you-go system. The kiosks are connected to an on-line government computer and computer network. Kiosks feature a processor and associated software, touch screen, printer, credit card reader, and a communications link to a central computer.

Exhibit I

Paper by Rawn Shah;

"Suggestions for Information Kiosk Systems using the World

Wide Web";

Article available on the Internet at

http://www.rtd.com/people/rawn/kiosk-paper.html;

Dated April 30, 1994.

Exhibit I is a web article proposing information kiosks through which members of the public can access the World Wide Web. Exhibit I states that "commercial organizations may also wish to charge customers for access to specific documents or services. The concept of registered users and billing may be built into the server." Exhibit I therefore teaches pay-as-you-go access to on-line service providers and the Internet. Shah discusses kiosk-based information systems, with a kiosk including a web browser or other operating software, a display, sound system, printer, touch-screen input, keyboard, kiosk-local information storage, and the network connection hardware (modem).

Exhibit J

Quick Court kiosk system;

Exhibit J, 1: Request for Proposals: Arizona Court Information System, RFP 94-1, May 2, 1994;

Exhibit J, 2: Response to Arizona RFP 94-1, June 30, 1994;

Exhibit J discloses a kiosk system where users can conduct and pay for legal transactions through a credit card, a debit card, or cash. Kiosks feature a processor and associated software, touch screen, printer, credit card reader, and an on-line communications link to a hub computer and clearing house network processor.

Exhibit K

Dated July 15, 1994;

Exhibit K, 1: Letter from David C. Loy of Discover America to North Communications;

Exhibit K, 1 discusses exchange of information between Discover America and North Communications.

Exhibit K, 2: Discover America InfoCenter Program (accompanied the above letter);

Exhibit K, 2 discloses touch-screen kiosks connected to the Internet via TCP/IP and IP protocols. Exhibit K, 2 discloses a kiosk that presents tourist information and advertising to users.

Exhibit L

Cookware information statement from Cookware website;

Exhibit L discusses Cookware's kiosk prototype built for the U.S. Postal Service prior to the issuance of Bid Solicitation 102590-94-A-001. Additionally, this kiosk was publicly presented at the Postal Forum and at GOVCOM in the fall of 1994, prior to the issuance of said Bid Solicitation. Exhibit L discloses that the kiosk included a touch screen monitor, a processor,

and a T1 connection to the Internet. A T1 line is a telephone line capable of high-speed digital communications, and is the communications link of choice for modem use and Internet access.

Exhibit M

Los Alamos National Laboratory;

"Kiosks: A Technological Overview";

Exhibit M is a White Paper that proposes and discusses a kiosk system for public use and information access. Exhibit M, page 3, states that Los Alamos National Laboratory designed a kiosk using technologies and software available in mid to late 1994.

Exhibit M discloses a public access kiosk which may incorporate some type of pay-as-you-go access (page 3 and page 26 section 7.1). Exhibit M has all of the elements of the Mettke apparatus, including:

enclosure	page 17
processor	page 6 section 3.1
telephone access node	page 26 section 7.1
internal modem	page 8 section 3.2.4
video display	page 7 section 3.1.1 and section 3.2.1
keyboard	page 7 section 3.1.1
credit card reader	page 12 section 5.1.2
means for accessing . . .	(in Mettke, this is merely combination of modem and phone line)

software for accessing . . .	page 8 section 3.3.1 and 3.3.2
	page 22 section 6.1
printer	page 15 section 5.2.1

In addition, Exhibit M discloses a connection to the Internet (page 4, sections 2.3.2 and 2.3.3.2, and page 5 sections 2.3.3.4 and 2.3.3.7).

APPLICATION OF CITED REFERENCES

A. Mettke's Claims Are Anticipated by the Prior Art

1. Exhibit A, 2

Exhibit A, and more particularly Exhibit A, 2 and Exhibit A, 6 are believed to teach all of the apparatus elements and method steps claimed in the present reissue application.

The applicant's claims in reissue, which are directed to connecting to a commercial on-line service (claims 1-5) or the internet (claims 6-9), are anticipated by Exhibit A, 2 under 35 U.S.C. § 102(a). This reference discloses, inter alia, a processor, telephone access node, internal modem, video display/keyboard, credit card reader, means for accessing the Internet, software for accessing the Internet and credit card service centers, and a printer. Exhibit A, 2 also discloses numerous communications means for accessing an on-line service provider or the Internet, including: TCP/IP, ICMP, TELNET, SMTP, and FTP communications protocols.

Mettke Apparatus Elements (Claim 1) A public on-line, pay-as-you-use communications terminal comprising a housing, wherein said housing contains:	**Disclosed in Exhibit A, 2**
a central processing unit (CPU);	Pages 9-10: Processor.

a telephone access node;	Page 12: States that a kiosk contains "a modem capable of receiving dial-in . . . remote connections," and that a kiosk can "dial-out/communicate." Page 13: Discloses that the internal modem have "dial-out/in access."
an internal modem coupled to the CPU and telephone access node;	Page 12-13: Discloses a 9,600 to 28.8 kbps V32/42 bis internal modem.
a video display monitor coupled to the CPU;	Page 9: Discloses a display and touch-screen (a display and keyboard in one device).
a keyboard for providing user interface coupled to the CPU;	Page 7: Discloses a kiosk enclosure as including a "keyboard (if present)." Page 9: See above entry.
a credit card reader swipe device coupled to the CPU for accepting payment by a user for use of the terminal;	Page 16: Smart card access, including reader. Page 17: Bank card access, including reader. Page 27: Discloses accumulation of statistics including "credit card used" and "card number."
means for accessing commercial on-line service and allow for user interaction;	Page 12-13: Includes a modem and telephone access. Page 14: Network access, using TCP/IP or FTP (Transmission Control Protocol/Internet Protocol, and File Transfer Protocol). Page 14: "Remote host systems shall be able to connect to the kiosk using TCP/IP."

software installed into the CPU to allow interface with commercial on-line service providers and credit card service centers;	Page 15: Each kiosk shall be capable of conducting on-line transactions with host computers connected via both local and wide-area networks. These transactional capabilities shall be embedded within the multi-media user applications in such a fashion as to allow users a seamless ability to transact business with other computer systems without the necessity of leaving or suspending the original user interface. Page 37: Discloses that service requests requiring payment in the form of a bank card "shall be transmitted to the applicable service provider." Page 43: Discloses a Transaction and Service Manager software that provides the necessary data conversion function between the kiosk stations and the connected agency or service provider. Page 44: Discloses that the Transaction and Service Manager maintain many different "charge" models and the data required to support such charges. Page 44: Discloses that the Transaction and Service Manager software provides access to banking networks and to the Internet. Page 47: Discloses that kiosks shall include telecommunications protocols including TCP/IP, ICMP, TELNET, and SNMP protocols.
a printer coupled to the CPU.	Page 17: Discloses an industrial grade printer.

As can be appreciated from the above table, Exhibit A, 2 includes all of the elements of the Mettke patent claim 1, including a CPU, telephone access, internal modem, display, keyboard, credit card reader, means for accessing a commercial on-line service, software to allow interface with a commercial on-line service, and a printer. Exhibit A, 2 therefore anticipates the

Mettke patent under 35 U.S.C. § 102(a). Due to the use of a modem and the statements "a modem capable of receiving dial-in" and "dial-out/in access" it is understood that the USPS kiosks require a telephone access node to be functional. The touchscreen display would be understood by a person ordinarily skilled in the art to be a combination display screen and keyboard, where a user can touch icons or characters to input that icon or character to the processor. The USPS kiosk discloses use mainly of a bank card or smart card, but also discusses use of a credit card. The means for accessing a commercial on-line service in Mettke is fully disclosed in the USPS kiosk, where a USPS kiosk includes a modem, telephone access, network access, and various communications protocols. Likewise, the software of the kiosk allows interaction with on-line host computers. The "service provider" disclosed on page 43 of Exhibit A, 2 is an on-line service provider as claimed in claim 1 of the Mettke patent. Pay-as-you-go access is given by the presence of a credit card reader, means for accessing an on-line service provider (modem and telephone access node), the capability to use a bank card to make payment for "service requests" as disclosed on page 37 of Exhibit A, 2, and the requirement to maintain many different "charge" models along with maintaining the data required to support these charges, as described on page 44 of Exhibit A, 2. Interaction with credit card service centers is also accomplished by kiosk software. The USPS kiosk includes a laser printer which may print forms under the direction of a user of the CPU, as well as a receipt printer to provide users with a receipt for each financial transaction therein performed.

Mettke Apparatus Elements (Claim 2)	Disclosed in Exhibit A, 2
The terminal in accordance with claim 1 wherein said means for accessing includes a touch screen interface attached to the monitor and further includes a touch screen means for accepting input information from said touchscreen interface and modifying program execution accordingly.	Page 9: Discloses that the display subsystem shall be fully equipped with all hardware and software necessary to support an integral touch-screen and touch-screen functions. User menu selections using the touch-screen are supported by an extensive touch-screen support subroutine library. The touch-screen therefore controls all kiosk operations, including accessing the Internet and on-line service providers.

Mettke Apparatus Elements (Claim 3)	Disclosed in Exhibit A, 2
The terminal in accordance with claim 1 also including, within said housing, program means for causing said printer to print a receipt or any other document available from a commercial on-line service.	Page 34: Discloses printing of documents or forms accessed by a user. Page 38: Discloses that "the user shall be able to request a printout . . . [of] a detailed record of all that has transpired."

Mettke Apparatus Elements (Claim 4)	Disclosed in Exhibit A, 2
The terminal in accordance with claim 1 wherein said housing includes a durable enclosure for the CPU, monitor, internal modem and printer, and a secured access door for service and repair.	Page 7: Discloses a physical housing that encloses all working parts except for user interface devices including the video display, touch-screen, bank card reader, printer paper dispensing slot, and keyboard if present. The housing therefore encloses the CPU or processor, internal modem, and printer. Also discloses that the enclosure shall be lockable and safe against tampering, liquid, and dust intrusion. Therefore, the enclosure is durable and includes some form of lockable access, such as a door.

Dependent claims 2, 3, and 4 of the Mettke patent are also anticipated by the USPS kiosk. A USPS kiosk as disclosed in Exhibit A, 2 includes a touchscreen display/keyboard interface that

accepts input from the touchscreen and affects program execution, a program means for causing printing of accessed receipts or documents, and a durable kiosk enclosure having an access door.

Mettke Method Elements (Claim 5) A method of using a public on-line, pay-as-you-use terminal to access commercial on-line services comprising the steps of:	**Disclosed in Exhibit A, 2**
swiping a credit card through a credit card swipe device;	Page 33: Discloses that transactions may consist of providing services which require payment with a bank card such as purchasing items electronically and filing applications and paying a filing fee. Page 37: Discloses an ability to search for and request services and make purchases by bank card. Additionally, page 37 discloses that "some requests may only be started by the filing of the requests and paying a filing fee." Page 27: Discloses accumulation of statistics including "credit card used" and "card number."
if credit is denied, disallowing interaction; if credit is approved, receiving charge approval from a credit card center for use of the terminal;	Page 17: Discloses that a kiosk "shall be supplied with all hardware and software necessary to accept, validate, and receive payment from bank issued . . . standard credit and debit cards. Payment for goods and services using such cards shall be fully integrated into the kiosk applications software in a manner transparent to the user."
communicating said approval to CPU executing a main program;	Pages 33 and 37: Implicit in use of a card (see above).

in response to input from a user who is responding to a selection of on-line services that are assessable [sic] and displayed on a monitor in communication with said CPU and, based on interaction between said user and said main program, controlling switching means with said CPU to provide communication between a telephone access node and a modem with a commercial on-line service;	Page 43: Discloses a Transaction and Service Manager that routes data between a kiosk and "appropriate agency or service provider," and makes "appropriate protocol conversions and file transfers." Page 46: Discusses kiosk communications and Postal Service plans to integrate kiosks into an existing routed network which supports the TCP/IP protocol (Transmission Control Protocol/Internet Protocol). Therefore, kiosks are capable of accessing the Internet. Page 46 further discusses kiosk access to the Postal Routed Network, a USPS TCP/IP based network. Page 47: Discusses mandatory telecommunications support requirements, including TCP/IP, Internet Control Message Protocol (ICMP), TELNET (an Internet standard protocol for remote login), and SNMP (Simple Network Management Protocol).
printing with a printer a hard copy of documents said user requires, said printer being in communication with the CPU;	Page 34: Discloses printing of documents or forms accessed by a user.
deactivating said CPU from commercial on-line service user interaction on appropriate input from said user;	Implicit in a connection is a corresponding disconnection.
printing with said printer a billing statement.	Pages 26-27: Discloses kiosk usage logging that is capable of accumulating and reporting via a print file a type of purchase, value of purchase, credit card used, card number, and date and time of use. Page 38: Discloses that "the user shall be able to request a printout . . . [of] a detailed record of all that has transpired."

As shown in the above table, Exhibit A, 2 includes all of the method steps of the Mettke patent claim 5. Exhibit A, 2 therefore anticipates claim 5 under 35 U.S.C. § 102(a). The

switching step to provide communication to a commercial on-line service provider via the modem and telephone access node is given in Exhibit A, 2 on page 43, disclosing software that can make protocol conversion and file transfers to an "agency or service provider." An on-line commercial service provider such as Prodigy or AOL is such a service provider requiring protocol conversion and file transfer operations.

New Mettke Apparatus Elements(Claim 6) A public on-line, pay-as-you-use communications terminal comprising a housing, wherein the housing contains:	**Disclosed in Exhibit A, 2**
a central processing unit (CPU);	Pages 9-10: Processor.
a telephone access node;	Page 12: States that a kiosk contains "a modem capable of receiving dial-in . . . remote connections," and that a kiosk can "dial-out/communicate." Page 13: Discloses that the internal modem have "dial-out/in access."
an internal modem coupled to the CPU and telephone access node;	Page 12-13: Discloses a 9,600 to 28.8 kbps V32/42 bis internal modem.
a video display monitor coupled to the CPU;	Page 9: Discloses a display and touch-screen (a display and keyboard in one device).
a keyboard for providing user interface coupled to the CPU;	Page 7: Discloses a kiosk enclosure as including a "keyboard (if present)." Page 9: See above entry.
a credit card reader swipe device coupled to the CPU for accepting payment by a user for use of the terminal;	Page 16: Smart card access, including reader. Page 17: Bank card access, including reader. Page 27: Discloses accumulation of statistics including "credit card used" and "card number."

means for accessing the Internet and allow for user interaction;	Page 12-13: Includes a modem and telephone access. Page 14: Network access, using TCP/IP or FTP (Transmission Control Protocol/Internet Protocol, and File Transfer Protocol). Page 14: "Remote host systems shall be able to connect to the kiosk using TCP/IP."
software installed into the CPU to allow interface with the Internet and credit card service centers; and	Page 17: Discloses that a kiosk "shall be supplied with all hardware and software necessary to accept, validate, and receive payment from bank issued . . . standard credit and debit cards. Payment for goods and services using such cards shall be fully integrated into the kiosk applications software in a manner transparent to the user." Page 43: Discloses that the kiosks shall communicate to their network connection utilizing the TCP/IP protocol suite. Page 44: Discloses that the Transaction and Service Manager software provides access to the Internet. Page 47: Discloses that kiosks shall include telecommunications protocols including TCP/IP, ICMP, TELNET, and SNMP protocols.
a printer coupled to the CPU.	Page 17: Discloses an industrial grade printer.

Reissue claim 6 of the Mettke patent is identical to the original apparatus claim 1 except that reissue claim 6 discloses connection to the Internet instead of connection to an on-line service provider. Exhibit A, 2 clearly reads on reissue claim 6 by disclosing that the Transaction and Service Manager provides access to the Internet and by disclosing Internet communications protocols.

New Mettke Apparatus Elements(Claim 7)	Disclosed in Exhibit A, 2
The terminal of claim 6, wherein the means for accessing includes a touch-screen interface attached to the monitor and further includes a touch-screen means for accepting input information from the touch-screen interface and modifying program execution accordingly.	Page 9: Discloses that the display subsystem shall be fully equipped with all hardware and software necessary to support an integral touch-screen and touch-screen functions. User menu selections using the touch-screen are supported by an extensive touch-screen support subroutine library. The touch-screen therefore controls all kiosk operations, including accessing the Internet and on-line service providers.

New Mettke Apparatus Elements(Claim 8)	Disclosed in Exhibit A, 2
The terminal of claim 6, further comprising, within the housing, program means for causing the printer to print a receipt or any other document available from the Internet.	Page 34: Discloses printing of documents or forms accessed by a user. Page 38: Discloses that "the user shall be able to request a printout . . . [of] a detailed record of all that has transpired."

New Mettke Apparatus Elements(Claim 9)	Disclosed in Exhibit A, 2
The terminal of claim 6, wherein the housing includes a durable enclosure for the CPU, monitor, internal modem and printer, and a secured access door for service and repair.	Page 7: Discloses a physical housing that encloses all working parts except for user interface devices including the video display, touch-screen, bank card reader, printer paper dispensing slot, and keyboard if present. The housing therefore encloses the CPU or processor, internal modem, and printer. Also discloses that the enclosure shall be lockable and safe against tampering, liquid, and dust intrusion. Therefore, the enclosure is durable and includes some form of lockable access, such as a door.

As set forth in the above tables, the dependent reissue claims 7-9 disclose elements identical to that in original Mettke claims 2-4 except for Internet access, and are anticipated by Exhibit A, 2 for the same reasons as given above with regard to original claims 2-4.

2. Exhibit A, 6

Exhibit A, 6 is functionally identical to Exhibit A, 2, and discloses the same apparatus elements and method steps, and therefore anticipates claims 1-9 of the Mettke patent for the same reasons as given above. For example, this reference discloses, inter alia, a processor, telephone access node, internal modem, video display/keyboard, credit card reader, means for accessing the Internet, software for accessing the Internet and credit card service centers, and a printer. Exhibit A, 6 also discloses numerous communications means for accessing an on-line service provider or the Internet, including: TCP/IP, ICMP, TELNET, SMTP, and FTP communications protocols.

Therefore, Protestor believes that Exhibit A, 2 and Exhibit A, 6 anticipate under 35 U.S.C. § 102(a) the claimed subject matter of the present reissue application.

3. Exhibit M

Exhibit M also anticipates the reissue claims 1-9 of the Mettke patent. Exhibit M includes all of the elements of the Mettke reissue claims 1-9, including a CPU, telephone access, internal modem, display, keyboard, credit card reader, means for accessing the Internet and a credit card service center, software to allow interface with the Internet and a credit card service centers, and a printer. Exhibit M, therefore, anticipates claims 1-9 of the Mettke reissue application under 35 U.S.C. § 102(a).

B. Mettke's Claims Are Obvious in View of the Prior Art

1. Exhibits B and K

The Protestor believes that Exhibit B in combination with Exhibit K renders obvious under 35 U.S.C. § 103 claims 1-9 of the Mettke reissue application.

Exhibit B discloses a processor, telephone access node, internal modem, display, keyboard, credit card reader, means for accessing E-mail and sending and receiving E-mail, and a printer. Exhibit B also discloses a pay-as-you-go access. The only element Exhibit B is lacking is an explicit connection to the Internet.

Exhibit K discloses a kiosk having Internet access in addition to a processor, telephone access node, communications link, display, keyboard, credit card reader, and printer.

The combination of Exhibit B and Exhibit K includes the elements of a processor, telephone access node, internal modem, display, keyboard, credit card reader, means for accessing the Internet, software for interfacing with the Internet and credit card service centers, and a printer. The combination also includes a pay-as-you-go access capability.

The motivation to combine Exhibit B with Exhibit K exists in both. Exhibit B discusses as a basis for an ATM/POS based electronic mail a need for low cost communications as an alternative to the public telephone system. Exhibit B proposes the use of electronic messaging using excess capacity on computer networks and communications systems. Exhibit B suggests that this gives the general public more access to electronic communications such as E-mail. Because the purpose and motive of Exhibit B is to provide public access to electronic communications through publicly accessible ATM machines, a motivation exists to provide

faster communications links (including a range of communication links beyond E -mail) utilizing standard protocols of an open system architecture, such as the Internet. This purpose is a strong motive to combine Exhibit B and Exhibit K. In addition, Exhibit K suggests the use of the Internet and Internet communications protocols to provide data and information through publicly-accessible kiosks. Exhibit K also suggests another motive for combination in that the use of high-speed data communications may be employed to update data in a kiosk.

2. Exhibits B and I

The Protestor believes that Exhibit B in combination with Exhibit I renders obvious under 35 U.S.C. § 103 claims 1-9 of the Mettke reissue application.

Exhibit B discloses a processor, telephone access node, internal modem, display, keyboard, credit card reader, means for accessing E-mail and sending and receiving E-mail, and a printer. Exhibit B also discloses a pay-as-you-go access. The only element Exhibit B is lacking is an explicit connection to the Internet.

Exhibit I discloses a processor, telephone access node, modem, display, keyboard, means for accessing the Internet, software for interfacing with the Internet, and a printer. Exhibit I also includes pay-as-you-go access.

The combination of Exhibit B and Exhibit I includes the elements of a processor, telephone access node, internal modem, display, keyboard, credit card reader, means for accessing the Internet, software for interfacing with the Internet and credit card service centers, and a printer. The combination also includes a pay-as-you-go access capability.

The motivation to combine Exhibit B with Exhibit I exists in both. Exhibit B suggests the use of ATM machines to give the general public more access to electronic communications such as E-mail. Because the purpose and motive of Exhibit B is to provide public access to electronic communications through publicly accessible ATM machines, a motivation exists to provide faster communications links (including a range of communication links beyond E -mail) utilizing standard protocols of an open system architecture, such as the Internet. This purpose is a strong motive to combine Exhibit B and Exhibit I. In addition, Exhibit I suggests the use of Internet access for a public access kiosk system. Exhibit I teaches the use of the Internet for its user-friendly interface, popularity and widespread use, and combination of text, graphics and sound. Exhibit I therefore gives another independent motive for combining Exhibit B and Exhibit I

3. **Exhibits B and L**.

The Protestor believes that Exhibit B in combination with Exhibit L renders obvious under 35 U.S.C. § 103 both the original claims and the reissue claims of the Mettke patent.

Exhibit B discloses a processor, telephone access node, internal modem, display, keyboard, credit card reader, means for accessing E-mail and sending and receiving E-mail, and a printer. Exhibit B also discloses a pay-as-you-go access. The only element Exhibit B is lacking is an explicit connection to the Internet.

Exhibit L discloses a kiosk having a means for accessing the Internet and software for interfacing with the Internet.

The combination of Exhibit B and Exhibit L includes the elements of a processor, telephone access node, internal modem, display, keyboard, credit card reader, means for accessing the Internet, software for interfacing with the Internet and credit card service centers, and a printer. The combination also includes a pay-as-you-go access capability.

The motivation to combine Exhibit B with Exhibit L exists in both. Exhibit B suggests the use of ATM machines to give the general public more access to electronic communications such as E-mail. Because the purpose and motive of Exhibit B is to provide public access to electronic communications through publicly accessible ATM machines, a motivation exists to provide faster communications links (including a range of communication links beyond E -mail) utilizing standard protocols of an open system architecture, such as the Internet. This purpose is a strong motive to combine Exhibit B and Exhibit L. In addition, Exhibit L suggests the use of Internet access for a public access kiosk system.

4. **Exhibit I in Combination with Any of C, D, E, F, G, H, or J**

The Protestor believes that Exhibit I in combination with any one of Exhibits C, D, E, F, G, H, or J renders obvious under 35 U.S.C. § 103 claims 1-9 of the Mettke reissue application.

Exhibits C, D, E, F, G, H, and J disclose a processor, telephone access node, internal modem, display, keyboard, credit card reader, and printer. Exhibits C, D, E, F, G, H, and J lack Internet access.

Exhibit I discloses a processor, telephone access node, modem, display, keyboard, means for accessing the Internet, software for interfacing with the Internet, and a printer. Exhibit I also includes pay-as-you-go access.

The combination of Exhibit I and any one of Exhibits C, D, E, F, G, H, or J includes the elements of a processor, telephone access node, internal modem, display, keyboard, credit card reader, means for accessing the Internet, software for interfacing with the Internet and credit card service centers, and a printer. The combination also includes a pay-as-you-go access capability.

The motivation to combine Exhibit I and any one of Exhibits C, D, E, F, G, H, or J is found in Exhibit I. Exhibit I discloses the use of Internet access for a public access kiosk system. Exhibit I teaches the use of the Internet for its user-friendly interface, popularity and widespread use, and combination of text, graphics and sound. The motivation for combining Exhibit I and any one of Exhibits C, D, E, F, G, H, or J is that a kiosk could be made more universally acceptable, useful, and easier to use.

Therefore, the Protestor believes that the present reissue claims, both the original claims and the additional claims sought at reissue, are either anticipated or made obvious by the printed publications cited in this paper.

C. Mettke's Claims Are Anticipated by the TouchFax Product

In addition, the Protestor has reviewed and agrees with all materials submitted in protest on November 3, 1998, by Richard P. Stitt on behalf of TouchNet Information Systems, Inc.

The Protestor believes that the original Mettke patent is anticipated by the TouchNet Information Systems product TouchFax, as analyzed below with respect to Exhibits submitted in the TouchNet Protest.

Mettke Apparatus Elements (Claim 1) A public on-line, pay-as-you-use communications terminal comprising a housing, wherein said housing contains:	**Disclosed in TouchNet Protest, Exhibits D and E** **Exhibit E**: page 48, lines 38-44 Discloses a pay-per-use kiosk for faxes and access to information services.
a central processing unit (CPU);	**Exhibit E**: page 49, col. 1, line 18
a telephone access node;	**Exhibit E**: page 49, col. 1, line 20 Discloses a "data port."
an internal modem coupled to the CPU and telephone access node;	**Exhibit E**: page 49, col. 1, line 20 Discloses a modem.
a video display monitor coupled to the CPU;	**Exhibit E**: page 49, col. 1, lines 2-6 Discloses a "touch-sensitive color video monitor which provides instructions to the user and on-screen buttons to operate the terminal functions."
a keyboard for providing user interface coupled to the CPU;	**Exhibit E**: page 49, col. 1, lines 2-6 and 19-20 Discloses a touch-sensitive monitor, and a full-size keyboard.
a credit card reader swipe device coupled to the CPU for accepting payment by a user for use of the terminal;	**Exhibit E**: page 49, col. 1, lines 10-12 Implies a credit card reader by disclosing that "payment for services is made by using credit card or other magnetic card such as a telephone calling card."
means for accessing commercial on-line service and allow for user interaction;	**Exhibit E**: page 49, col. 1, line 20 Discloses a "data port." **Exhibit E**: page 49, col. 1, line 20 Discloses a modem.

software installed into the CPU to allow interface with commercial on-line service providers and credit card service centers;	**Exhibit D**: Discloses a TouchFax Electronic Library that gives access to an "on-line interactive data base." Examples given are corporate databases such as employee benefits information, public databases such as accounts with CompuServe and Prodigy, special interest databases such as USA Today Sports Center, and BBS's (electronic bulletin boards).
a printer coupled to the CPU.	**Exhibit E**: page 49, col. 1, line 19 Discloses a "high-volume laser printer."

As can be appreciated from the above table, the TouchNet TouchFax product as described in TouchNet Protest Exhibits D and E (and additionally in TouchNet Protest Exhibits C, F, G, J, K, and L), includes all of the elements of the Mettke patent claim 1, including: a CPU, telephone access, internal modem, display, keyboard, credit card reader, means for accessing a commercial on-line service, software to allow interface with a commercial on-line service, and a printer. The TouchFax product as described in Exhibit D, dated 1991, and Exhibit E, dated October 1992, therefore anticipates claims 1-9 of the Mettke reissue application under 35 U.S.C. § 102(a) and under 35 U.S.C. § 102(b).

Mettke Apparatus Elements (Claim 1) A public on-line, pay-as-you-use communications terminal comprising a housing, wherein said housing contains:	**Disclosed in TouchNet Protest, Exhibit K, deposition of Daniel J. Toughey**
a central processing unit (CPU);	**Exhibit K**: page 88, lines 2-3
a telephone access node;	**Exhibit K**: page 88, line 45
an internal modem coupled to the CPU and telephone access node;	**Exhibit K**: page 88, lines 6-10
a video display monitor coupled to the CPU;	**Exhibit K**: page 88, lines 11-12
a keyboard for providing user interface coupled to the CPU;	**Exhibit K**: page 88, lines 13-15

a credit card reader swipe device coupled to the CPU for accepting payment by a user for use of the terminal;	**Exhibit K**: page 88, lines 16-24
means for accessing commercial on-line service and allow for user interaction;	**Exhibit K**: page 88, line 25 to page 89, line 2
software installed into the CPU to allow interface with commercial on-line service providers and credit card service centers;	**Exhibit K**: page 89, lines 5-19 page 90, lines 9-18 page 96, lines 2-8
a printer coupled to the CPU.	**Exhibit K**: page 94, lines 9-11 page 96, lines 9-10

Additionally, as can be appreciated from the above table, the TouchNet TouchFax product as described in the deposition of TouchNet Protest Exhibit K includes all of the elements of the Mettke patent claim 1, including a CPU, telephone access, internal modem, display, keyboard, credit card reader, means for accessing a commercial on-line service, software to allow interface with a commercial on-line service, and a printer. The TouchFax product as described in TouchNet Protest Exhibit K (discussing the TouchFax product as shown in a videotape produced May 1993), therefore anticipates claims 1-9 of the Mettke reissue application under 35 U.S.C. § 102(a) and under 35 U.S.C. § 102(b).

Mettke Apparatus Elements (Claim 2)	**Disclosed in TouchNet Protest, Exhibit E**
The terminal in accordance with claim 1 wherein said means for accessing includes a touch screen interface attached to the monitor and further includes a touch screen means for accepting input information from said touchscreen interface and modifying program execution accordingly.	**Exhibit E**: page 49, col. 1, lines 2-6 Discloses a "touch-sensitive color video monitor which provides instructions to the user and on-screen buttons to operate the terminal functions."

Mettke Apparatus Elements (Claim 3)	Disclosed in TouchNet Protest, Exhibit E
The terminal in accordance with claim 1 also including, within said housing, program means for causing said printer to print a receipt or any other document available from a commercial on-line service.	Exhibit E: page 49, col. 1, lines 12-15 Discloses that the TouchFax kiosk "provides a detailed printed receipt." Exhibit E discloses a variety of information that may be printed out by a user.

Mettke Apparatus Elements (Claim 4)	Disclosed in TouchNet Protest, Exhibit G
The terminal in accordance with claim 1 wherein said housing includes a durable enclosure for the CPU, monitor, internal modem and printer, and a secured access door for service and repair.	**Exhibit G**: Shows a durable enclosure housing a CPU, monitor, modem and printer. Enclosing the working components of a device located in a public area is obvious and well-known in the art, as is having a secured access door for service and repair.

Dependent claims 2, 3, and 4 of the Mettke patent are also anticipated by the TouchFax kiosk. A TouchFax kiosk as disclosed in Exhibits E and G of the TouchNet Protest include a touchscreen display/keyboard interface that accepts input from the touchscreen and affects program execution, a program means for causing printing of accessed receipts or documents, and a durable kiosk enclosure having an access door.

Mettke Method Elements (Claim 5) A method of using a public on-line, pay-as-you-use terminal to access commercial on-line services comprising the steps of:	Disclosed in TouchNet Protest, Exhibit K, deposition of Daniel J. Toughey
swiping a credit card through a credit card swipe device;	**Exhibit K**: page 93, lines 12-18
if credit is denied, disallowing interaction; if credit is approved, receiving charge approval from a credit card center for use of the terminal;	**Exhibit K**: page 93, lines 19-24

communicating said approval to CPU executing a main program;	**Exhibit K**: page 93, lines 19-24
in response to input from a user who is responding to a selection of on-line services that are assessable [sic] and displayed on a monitor in communication with said CPU and, based on interaction between said user and said main program, controlling switching means with said CPU to provide communication between a telephone access node and a modem with a commercial on-line service;	**Exhibit K**: page 93, line 25 to Page 94, line 2
printing with a printer a hard copy of documents said user requires, said printer being in communication with the CPU;	**Exhibit K**: page 96, lines 9-10 Discloses a printer. It is obvious to allow a user to printout data the user has accessed.
deactivating said CPU from commercial on-line service user interaction on appropriate input from said user;	Deactivation is implied in activation. A device that cannot be deactivated would be impractical and unacceptable.
printing with said printer a billing statement.	**Exhibit K**: page 94, lines 9-11

The TouchNet self-service device therefore contains all of the elements of the original Mettke patent. The TouchNet self-service device was publicly promoted as capable of accessing on-line services, was indeed capable of accessing on-line services. Actual access of on-line services was achieved as early as May 1993, with access to Prodigy, as described in TouchNet Protest Exhibit L, page 8, lines 7-11.

The TouchNet self-service device was publicly promoted as capable of charging users on a pay-per-use basis, was indeed capable of charging users on a pay-as-you-use basis, and in one instance in 1993, was delivered to a TouchNet client, Bell Canada, with a fully functional ability to charge users on a pay-per-use basis for its on-line service (see Exhibit K, page 84, line 6

through page 85, line 15). Although delivered in Canada, the functionality of the self-service device was developed, tested, and made fully functional in the State of Kansas in the United States.

Furthermore, the idea of charging users on a pay-as-you-use basis for a self-service device providing communications access is at least as old as the long distance pay telephone. The idea of charging users on a pay-as-you-use basis for a self-service device was also being utilized in the early 1990's by on-line services for from-the-desktop access to certain data libraries. Charging users on a pay-as-you-use basis for a self-service device is therefore a non-novel method of charging users for access to telecommunications and/or information services.

THE CLAIMS IN THE REISSUE NOT IN THE ORIGINAL PATENT ARE PROHIBITED BY STATUTE AS NEW MATTER

New claims 6-9 added in the Mettke reissue application are unpatentable for the additional reason that they contain new matter.

35 U.S.C. § 251 states that "no new matter shall be introduced into the application for reissue." The statute also states that a patent may be reissued for "the invention disclosed in the original patent." 35 U.S.C. § 251.

New claims 6-9 are virtually identical to the claims in Mettke's patent except that they claim connection to the Internet. However, the original patent does not disclose anything about connection to the Internet.

The patent, as granted, is the basis for the specification of the reissue application. Adding claims addressing the Internet constitutes new matter which is clearly prohibited by the statute.

Although the originally filed application disclosed connection to the Internet, that subject matter was deleted from the specification and claims prior to issuance of the patent. The patent, as granted, did not mention the Internet. Accordingly, the new claims in the reissue application directed to the Internet are prohibited by statute and cannot be the subject of a reissue.

THE ORIGINAL PATENT CLAIMS CARRIED FORTH IN THE REISSUE APPLICATION ARE PROHIBITED BY THE STATUTE AS NEW MATTER

Claims 1-5 in the Mettke reissue application are unpatentable for the additional reason that they contain new matter. During the initial prosecution of the Mettke patent application, Mettke responded to the first Office Action by amending the specification to add new matter and by adding a completely new drawing (compare with original drawing) which also contained new matter. Mettke then amended the claims to expressly recite this additional new matter, as described below:

- First, claim 1 was amended to claim a "housing" and structure "contained" therein, reciting:

> "1. A public on-line, pay-as-you-use communications terminal comprising a housing, wherein said housing contains . . ."

However, this structure related to the housing was added as new matter in both a) the drawings and b) the description in the Applicant's response after the filing date of Mettke's original patent application.

With respect to the drawings, original FIG. 2 -- the only original figure with any structure -- showed a "terminal work shelf" and "privacy cubicle." Thus, the original disclosure merely

mentioned a work shelf. No housing was disclosed. The pro se applicant then deleted FIG. 2 -- entirely! -- and replaced it with a new FIG. 2 having completely different structure -- namely, showing a housing 10 that was never before disclosed and structure therein and associated therewith never previously disclosed nor in any way inherent in the original disclosure.

With respect to the specification, the "housing" and manner of "containing" claimed in claim 1 was also added as new matter in the Amendment (see Examiner's note at B5) as follows:

> A typical embodiment of the terminal is illustrated in figure 2. * * * Numeral 14 generally indicates the printer paper discharge chute. Numeral 15 generally indicates the location of the printer behind the terminals access door. Numeral 16 generally indicates the location of the CPU with internal modem behind the terminals access door. Numeral 17 generally indicates the location of the access door.

- Second, claim 2 was amended to claim:

> "a touch screen interface attached to the monitor and ... means for accepting input information from said touch screen interface ...."

However, this touch screen was added as new matter in the Amendment at page 3 (see Examiner entry B6) via the language:

> "A representative CPU with internal modem, monitor and printer could be of the IBM AST series. A representative touch screen with controller could be of the series manufactured by Interaction Systems. A representative credit card reader could be the MAGTEK 21055002."

- Third, claim 3 was amended to claim:

> "means for causing said printer to print a receipt ... from a commercial on-line service."

However, the printing of such a limitation (i.e., claimed in means-plus-function language) was never disclosed, or implied, or in any way inherent or suggested in the original disclosure. Never was the printing of a receipt indicated or implied.

- Fourth, claim 4 was amended to claim:

  "wherein said housing includes a durable enclosure for the CPU, monitor, internal modem and printer, and, a secured access door for service and repair."

  Once again, the "durable enclosure" and "access door" and other limitations in this claim were never disclosed nor implied nor in any way inherent or suggested in the original disclosure.

- Fifth, claim 5 was amended to claim:

  a) "executing a main program in response to input from a user who is responding to a selection of on-line services that are assessable and displayed on a monitor;" and

  b) "printing with said printer a billing statement"

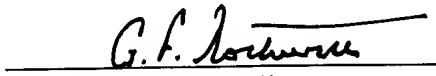
  Among other things, this selection display on the monitor and this printing of a billing statement was not previously disclosed.

In addition to the foregoing, Mettke also rewrote his specification and claims eliminating reference to the "Internet" (which is now the very subject for which the reissue is sought). Additional new matter was also entered (e.g., via additions and/or deletions) at a variety of other places in the rewritten specification.

SUMMARY

There is no basis for sustaining the original claims as such are anticipated and there is no basis or support for expanding the claims to cover the Internet as in the subject application.

Respectfully submitted,



G. Franklin Rothwell
Patent Office Reg. No. 18,125
Rothwell, Figg, Ernst & Kurz
Suite 701 East Tower
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 783-6040
Facsimile: (202) 783-6031

Attorney for Protestor
NORTH COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

I, G. Franklin Rothwell, hereby certify a copy of the foregoing PROTEST under 37 C.F.R. § 1.291 and all exhibits identified therein were served via U.S. Mail, first class postage prepaid, this 31st day of March 1999, upon:

Edward W. Goldstein
Darin H. Duphorne
TOBOR & GOLDSTEIN, L.L.P.
1360 Post Oak Blvd., Suite 2300
Houston, TX 77056

Attorneys for Richard P. Mettke

Respectfully submitted,

G. F. Rothwell

G. Franklin Rothwell, Reg. #18,125
Rothwell, Figg, Ernst & Kurz
Suite 701 East Tower
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 783-6040
Facsimile: (202) 783-6031

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of:
RICHARD P. METTKE

Serial No.: **09/134,831**

Filed: August 17, 1998

Title: ON-LINE COMMUNICATION TERMINAL/APPARATUS

November 3, 1998

ATTENTION:
Gerald Goldberg
Art Unit: 2700

Mr. Gerald Goldberg
Hon. Commissioner of Patents
and Trademarks
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

COVER LETTER

Enclosed is the Protest of TouchNet Information Systems, Inc under 37 C.F.R. § 1.291(a) related to Application for Reissue Serial No. 09/134,831. This Protest includes the following documents:

1. Protest of TouchNet Information Systems, Inc., under 37 C.F.R. § 1.291(a) including Exhibits A thru N.

Appendix H

2. Exhibit M, Affidavit of Daniel J. Toughey, President of Information Systems, Inc. verifying the dates of Exhibits A thru L.

3. PTO Form 1449 listing all documents submitted as Exhibits in this Protest.

4. Certificate of Service of transmittal of this Protest and exhibits to the Applicant's attorney of record in Application for Reissue Serial No. 09/134,831.

The attention of the Office to this Protest is respectfully requested.

Respectfully submitted,

Richard P. Stitt
Patent Office Reg. No. 35,693
SPENCER FANE BRITT & BROWNE, LLP
1000 Walnut Street, Suite 1400
Kansas City, MO 64106-2140
Telephone: 816-292-8129
Facsimile: 816-474-3216

Attorney for Protestor